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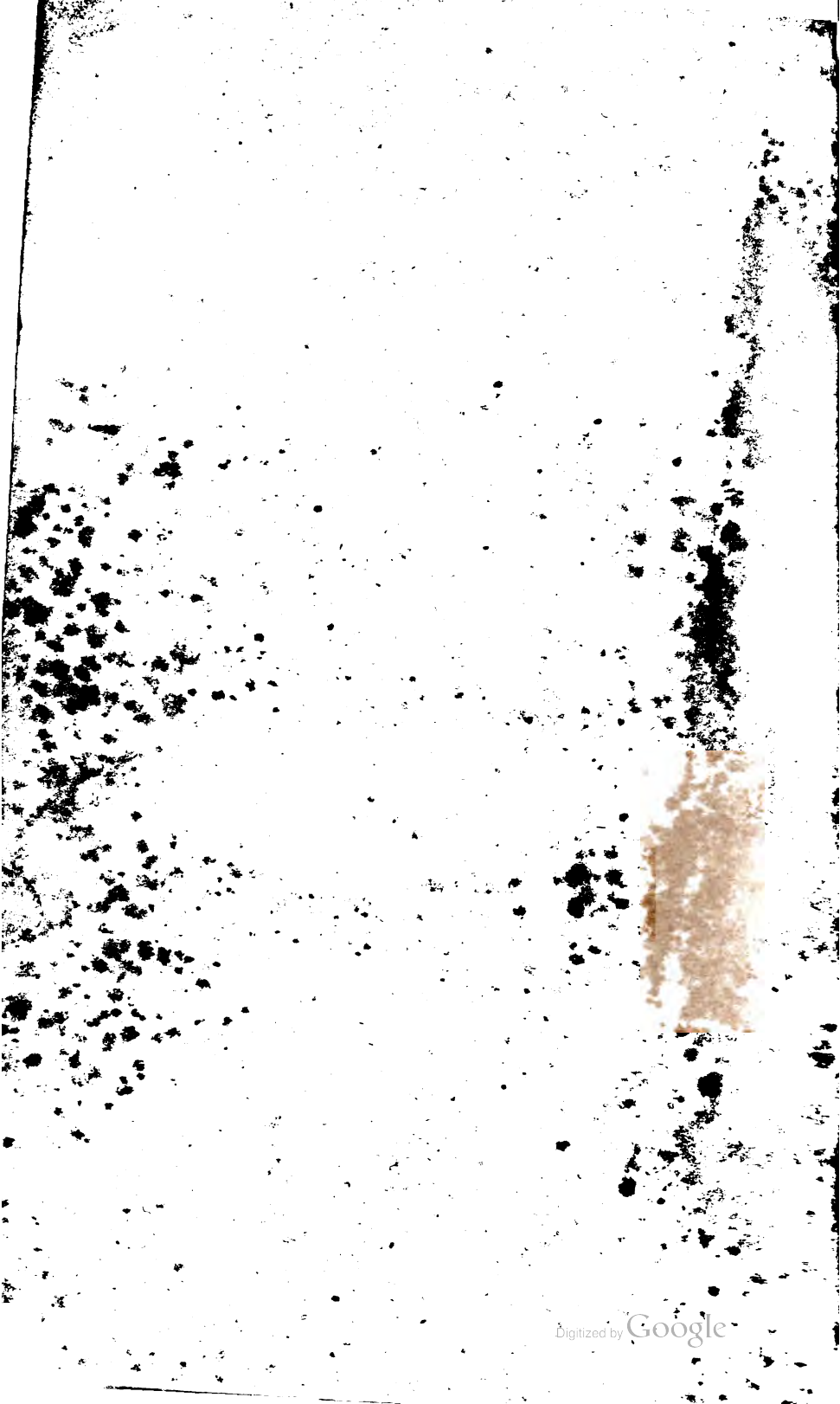
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C. T. Carter Jr.

Tennessee Coll.

1



PUBLIC ACTS

PASSED AT

THE CALLED SESSION

OF THE

NINETEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

1832.

PUBLISHED BY AUTHORITY.

Allen A. Hall & F. S. Heiskell, Printers to the State.

Nashville;

Printed at the Republican and Gazette Office.

1832.

L 4124

AUG 7 1931

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PUBLIC ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE CALLED SESSION, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY THE THIRD DAY OF SEPTEMBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO.

WILLIAM CARROLL, Governor; SAM. G. SMITH, Secretary of State; BURCHET DOUGLASS, Speaker of the Senate; F. W. HULING, Speaker of the House of Representatives.

BANKS.

CHAPTER I. An act to abolish the Bank of the State of Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the President and Directors of the principal and branch Bank of the State of Tennessee to proceed, without delay, to wind up and close the affairs of the Institution by ceasing to make any further loans, and by making such calls on the outstanding debts, as will be most likely to ensure their collection in the shortest time practicable, agreeably to the laws now in force; and said President and Directors are hereby authorized and empowered to appoint such agents and attorneys, and to allow them such reasonable compensation as to them shall seem fit and expedient for carrying into effect the provisions and intentions of this act, and to require the persons thus appointed to enter into bond and security for the faithful discharge of their duty, whenever it shall be deemed necessary.

Directors to close the affairs of the Bank.

Agents to be appointed.

SEC. 2. *Be it enacted*, That at any time after six months from the passage of this act, whenever the President and Directors of the principal Bank shall deem it expedient, they are hereby authorized and empowered to sell, at public vendue, all the real estate belonging to the Bank, except the banking-house and lot, in Nashville, on a credit of one, two, and three years, on the purchasers giv-

Real estate except Banking-house at Nashville to be sold.

ing approved security, and a mortgage on the premises to secure the payment.

Funds to be deposited in Union Bank.

SEC. 3. *Be it enacted*, That all the funds of the Bank of the State, not required to discharge its obligations, shall be deposited to the credit of the State in the Union Bank of Tennessee, whenever said Union Bank shall go into operation.

Further time given to unincorporated banking companies to close concerns.

SEC. 4. *Be it further enacted*, That where there is any banking company or association now in operation, not chartered by the laws of this State, said banking company or association shall have the further time of five years, in addition to that given them by the 95th chap. sec. 1st, of the acts of 1829, to wind up their concerns—but upon the following conditions, viz:—Such banking company or association shall pay, by way of tax to the State, the sum of five hundred dollars each and every year, commencing from the time above referred to, and shall be paid to, and accounted for by either of the Treasurers of this State; provided, that this act shall not be so construed as to release any tax heretofore paid by such company or association.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, October 19, 1832.

Speaker of the Senate.

CHAPTER II. An act to Charter the Union Bank of the State of Tennessee.

Bank established at Nashville.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established a Bank at Nashville, the capital stock of which shall not exceed three millions of dollars, and shall be divided into shares of one hundred dollars each; and books for subscriptions therefor shall be opened on the first day of December next, at the following places, to wit: at Nashville, under the superintendence of Andrew Hynes, H. R. W. Hill, Harry L. Douglass, Francis Porterfield, and Robert H. M'Ewen; at Knoxville, under the superintendence of James Park, Luke Lea, H. A. M. White, James H. Cowan and Robert King; at Jonesborough, under the superintendence of Samuel B. Cunningham, Samuel Crawford, Samuel G. Chester, Daniel Kinney and Nathan Gammon; at Shelbyville, under the superintendence of N. E. Caldwell, Samuel Eskew, Jno. Eakin, Thos. Davis and Geo. Davidson; at Pulaski, under the superintendence of Thos. Martin, John Yerger, Samuel Kercheval, Andrew M. Ballen-

Commissioners to open books.

tine and Joseph C. Rhea; at Columbia, under the superintendence of Edward B. Littlefield, James Walker, E. H. Chaffin, P. R. Booker and William M'Neill; at Huntingdon, under the superintendence of Ennis Ury, John M'Kernan, John Crockett, T. A. Young and John R. Clark; at Clarksville, under the superintendence of John H. Poston, A. M. Clayton, James M'Clure, William F. Gray and J. L. Watkins; at Jackson, under the superintendence of William E. Butler, James Elrod, A. L. Martin, John Lynch, James Meriwether, William Saunders, Adam Huntsman and James Vaulx; at Paris, under the superintendence of T. Cooney, James Cowan, William A. Tharp, H. Harris and Giles Cook; at Memphis, under the superintendence of Robert Lawrence, Isaac Rawlings, Marcus B. Winchester and David Dunn; at Covington, under the superintendence of Wm. Harper, Daniel A. Dunham, Marcus Calmes, Thomas Moncrief and Robert Clarkson; at Athens, under the superintendence of William Lowry, N. Smith, John Crawford, William Hogan and John Matlock; at Brownsville, under the superintendence of Hiram Bradford, James Smith, W. H. Loving, Jo. Jones, Blackman Coleman and D. Cherry; at Franklin, under the superintendence of R. P. Currin, B. S. Tappan, John Watson, William E. Owen, Nicholas Perkins and William Maney; at Fayetteville, under the superintendence of Francis L. Kincannon, William F. Mason, Samuel E. Gilleland and William Dye; at Reynoldsburgh, under the superintendence of Thos. K. Willie, Stephen C. Pavatt and William H. Miller; at Gainesborough, under the superintendence of Andrew Whitley, Leroy B. Suttle, Thomas Smith and James T. Quarles; and any three of said commissioners at the places above mentioned, respectively, shall be sufficient to perform the duties of their appointments, and they shall keep the books open for subscription, at least, ten days; and the amount of the share or shares, so subscribed, shall be paid for in gold or silver, as follows: that is to say, ten dollars upon each share to the proper commissioners at the time of subscribing, and ninety dollars to the directors of the Bank for the time being, in such instalments as they may from time to time require.

SEC. 2. *Be it enacted*, That the subscribers to said Bank, their successors and assigns, shall be, and they are hereby created a body corporate and politic in law and in fact, by the name and style of *The President, Directors and Company of the Union Bank of the State of Tennessee*, and shall so continue until the first day of January 1863, and no longer; and by the name and style aforesaid, they shall be, and are hereby made able

Incorporating
clause.

and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding in the whole three millions of dollars, exclusive of the capital stock aforesaid; and the same to sell, alien, devise, grant or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record or any other place whatsoever; and also, to make, have and use a common seal, and the same to break alter and renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government and management of said corporation, not being contrary to the constitution and the laws of this State or of the United States, and generally to do and execute all acts, matters and things, which a corporation or body politic in law may and can lawfully execute.

Returns of subscriptions to be made to commissioners at Nashville

SEC. 3. *Be it enacted*, That as soon as the subscriptions shall be closed at Knoxville, and the other places mentioned in this act, the commissioners appointed at those places shall respectively transmit and deliver to the commissioners appointed in Nashville, a list of the several subscribers at said places, together with the full amount of subscription money by the commissioners received as aforesaid, for which amount the receipt in writing of said commissioners appointed in Nashville, or a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same. But if on examination of the books, the whole amount shall not have been subscribed, said books shall be continued open at such times and places as the directors shall think proper until the same shall be subscribed for.

Directors to be elected.

SEC. 4. *Be it enacted*, That for the due administration of the affairs of said Bank, there shall be fifteen directors, citizens of this State, ten of whom shall be elected annually, at the banking-house in Nashville, seven of which shall reside in Davidson county, on the first Monday in January, by the shockholders, and the other five in the manner hereinafter provided for; and the directors, at their first meeting after each election, shall appoint one of their body President of said Bank; and, provided, that if at any time it should so happen that an election of directors should not be made, upon any day, when, in pursuance of this act, it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election, within thirty days thereafter, in such manner as shall have been regulated by

the laws or ordinances of said corporation; and in case of the death, resignation or removal from the state of a director, elected by the stockholders, his place shall be filled by the remaining directors or a majority of them, until the next general election; and in case of a director on the part of the State, the Governor of the State shall fill such vacancy.

SEC. 5. *Be it enacted*, That the directors for the time being shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other powers and authorities, for the well governing and ordering the affairs of said corporation, as shall be prescribed and provided by the laws, regulations and ordinances of the same. Directors to appoint officers.

SEC. 6. *Be it enacted*, That whenever there shall have been five thousand shares of the capital stock of said Bank subscribed, and the commissioners appointed in Nashville shall certify that fact in writing to the Governor of this State for the time being, he is thereupon authorized and required to subscribe on behalf of the State for five thousand shares of the capital stock of said Bank; and shall forthwith make and execute on behalf of the State, five hundred thousand dollars in bonds of one thousand dollars each, signed by him officially, and countersigned by the Secretary of State, and under the seal of the State, bearing five per centum per annum interest, which bonds shall be made payable to the President, Directors and Company of the Union Bank of the State of Tennessee, or assigns, at New York or Philadelphia, or at such place as the president and directors may direct, at the periods and in the proportions following, that is to say, one hundred and twenty-five thousand dollars, at the end of fifteen years; one hundred and twenty-five thousand dollars, at the end of twenty years; one hundred and twenty-five thousand dollars, at the end of twenty-five years; and one hundred and twenty-five thousand dollars, at the end of thirty years; and the interest upon said bonds to be paid half yearly; which bonds the Governor shall hand over and deliver to the President, Directors and company of the Union Bank of the State of Tennessee, in full payment for said stock; and shall have power, and it shall be the duty of the Governor for the time being, to appoint five directors for the management of said Bank, annually, on the first Monday of January in each and every year. And the legislature may at any subsequent time increase the stock of the State to an amount not exceeding one million of dollars. Governor to subscribe on behalf of the state.

Governor to appoint Directors for the state

Profits on
state stock ap-
propriated to
use of common
schools.

SEC. 7. *Be it enacted,* That the profits, which may arise from the stock owned by the State in the Union Bank of the State of Tennessee, after the bonds of the State shall have been paid, and also the *bonus* agreed to be paid by the Bank to the State for the privileges conferred by this charter, and also the interest which may from time to time accrue upon the deposits of public money, by the treasurers of the State, shall be and they are hereby appropriated to the use of common schools in this State, to be divided among the counties in proportion to their white population, making no discrimination between counties having school lands and those which have none.

Election of Di-
rectors.

SEC. 8. *Be it enacted,* That so soon as five thousand shares of the capital stock of said Bank shall have been subscribed, exclusive of the amount taken by the State, an election shall be held for directors, the commissioners appointed in Nashville giving thirty days' notice in the Nashville newspapers, who shall proceed forthwith to organize said Bank, and continue in office until the next stated election, and until a new Board shall be formed.

Comm. School
Commissioners
&c. may sub-
scribe for stock

SEC. 9. *Be it enacted,* That the board of common school commissioners, or the county courts, as the case may be, or any literary institution or other corporation having the management and control of the funds in any of the counties in this State, be, and they are hereby authorized to subscribe stock in said bank under the same rules, regulations and restrictions of other stockholders under this act.

Fundamental
principles for
government of
Bank.

SEC. 10. *Be it enacted,* That the following shall constitute the fundamental articles of said corporation.

ART. I. All stockholders owning ten shares and under shall be entitled to one vote, and the owners of more than ten shares shall be entitled to one vote for every ten shares, so that the whole amount of votes of any one stockholder shall not exceed thirty; and it shall not be lawful for more than two thirds of the old directors to be re-elected and serve as directors two years in succession; but no vote shall be given by proxy, unless such proxy shall have been appointed one month before the election: provided, that nothing herein contained shall prevent the re-election of the president as a director; and, provided, also, that no director shall receive or vote as proxy for any stockholder.

ART. II. None but a stockholder, being a citizen of the State of Tennessee, shall be eligible as, a director, except such citizens of the State as shall be appointed by the State; and no director in any other Bank, or the partner in trade of such director, nor two persons trading in partnership at the same time, shall be eligible or capable of serving as directors in this Bank.

ART. III. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting; but the directors for the time being shall have power to make such compensation to the President of said Bank, for his extraordinary attendance at the Bank and superintending its concerns, as shall to them seem reasonable.

ART. IV. Not less than five directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case a president *pro tempore* may be appointed by a majority of the directors present.

ART. V. A number of stockholders, not less than ten, holding at least five hundred shares, shall have power at any time to call a general meeting of the stockholders, as shall also a majority of the directors, for purposes relative to the institution, giving at least six weeks' notice in two newspapers of general circulation, specifying the object or objects of such meeting.

ART. VI. The Cashier of the Bank hereby established shall execute his obligation with good security, payable to the President and Directors of said Bank and their successors in office, for the faithful performance of his duty as Cashier, with such covenants and in such penalty as said President and Directors shall deem requisite and proper; and said President and Directors shall have full power to require like bond and security, from any other of the officers, with like conditions and covenants, if they deem it necessary.

ART. VII. The lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, for the transaction of the business of said corporation, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to said Bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts.

ART. VIII. The stock of said Bank shall be assignable and transferable only on the books of the company, according to such rules, ordinances, and regulations, as shall be prescribed by the President and Directors thereof; and it is hereby expressly provided, that any stockholder who shall transfer all his, her or their stock in said corporation, to any other person or persons whatsoever, shall immediately cease to be a member of said company; and that any person or persons whatsoever, who shall accept a transfer of any share or stock in the

said Bank, shall thereupon become members of said corporation, agreeably to the fundamental articles of the same, and this act of incorporation.

ART. IX. All bills, bonds, notes, and every contract or acquirement on behalf of the Company, shall be signed by the President, and countersigned and attested by the Cashier of the Company; and the funds of the Company shall in no wise be held responsible for any contract or engagement whatever, unless the same shall be executed as aforesaid.

ART. X. The bills obligatory and of credit under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees successively; and shall enable such assignee or assignees, to bring and maintain on action, and recover thereon, in his, her, or their own names; and bills or notes which may be issued by order of said Corporation, signed by the President, and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or the bearer, though not under the seal of said Corporation, shall be binding and obligatory upon the same, in like manner, and with like effect, as foreign bills of exchange now are; and those payable to bearer shall be negotiable and transferable by delivery thereof only; and all bills and notes, whether under seal or otherwise, at any time discounted by said Corporation, shall be, and they are hereby placed upon the same footing as foreign bills of exchange, so that the like remedy shall be had for the recovery thereof, against the drawer or drawers, endorser or endorsers, and with like effect, except so far as relates to damages, any usage, law, or custom to the contrary notwithstanding.

ART. XI. The said Corporation shall not directly or indirectly demand, take, or receive, by way of discount or for interest, a greater sum or sums than the following rates: that is to say, for all paper discounted by said Bank, having not more than 90 days to run until due and payable, shall be discounted at *six per centum per annum*; over ninety days, and under six months to run until due and payable, not more than at the rate of *seven per centum per annum*; and for all paper discounted, having more than six months before due and payable, not more than at the rate of *eight per centum per annum*: and said Corporation shall not, under any pretence, discount any paper which does not fall due within twelve months from the time when such paper may be offered for discount; provided that this article shall not be con-

strued so as to prevent the said Bank from demanding and receiving a reasonable premium for exchange, in addition to the interest upon bills or notes payable at a point beyond the limits of this state.

ART. XII. No stockholder in said Bank shall be entitled to any other or greater accommodation in said Bank, by pledge of his stock, than any other individual not a stockholder.

ART. XIII. Half yearly dividends shall be made of so much of the profits as shall appear to the Directors advisable; and once in every year, at the meeting to be annually held for the election of Directors, there shall be exhibited an exact and particular statement of the general accounts of the said Corporation; and if any stockholder shall be in default or shall have failed to pay any part of the sum or sums, by him, her, or them subscribed, the party failing shall forfeit all payments previously made to the Bank, together with any dividend which may have accrued, should the Board of Directors so direct.

ART. XIV. It shall be the duty, as soon as practicable, of the said President and Directors, to establish one office in East Tennessee, and another in the Western District, and one at Columbia in the county of Maury, for the purposes of discount and deposit only, and upon the same terms and in the same manner, as shall be practised at the principal Bank, and to commit the management of said offices; and the making of said discounts, to such persons, under such regulations as they shall deem proper, not being contrary to law or the fundamental articles of the Bank.

ART. XV. The said Corporation shall not at any time suspend or refuse payment of any of the notes, bills or obligations thereof; nor of any money received upon deposit in said bank, when demanded by the holder or depositor, at the place where the same is made payable, in gold or silver; and in case of such refusal, the holder of such note, bill or obligation, or the person or persons entitled to receive such money as aforesaid, shall be respectively entitled to recover interest from the time of such demand and refusal, at the rate of ten per centum per annum, until paid.

SEC. 11. *Be it enacted*, That in consideration of the privileges granted by this Charter, the Bank agrees to pay Bonus paid by the Bank. to the state annually, one half of one per cent on the amount of the capital stock paid in by stockholders other than the state.

SEC. 12. *Be it enacted*, That the bills which it shall be lawful for said Corporation to issue, shall not be for a less sum than five dollars. Not to issue bills for less than five dollars.

Minutes of proceedings. SEC. 13. *Be it enacted,* That the Directors shall keep fair and regular minutes of their proceedings, and on any question, where one Director shall require it, the yeas and nays of the members voting shall be duly entered.

Appointment of Directors. SEC. 14. *Be it enacted,* That there shall be annually appointed by the Board of Directors of the Union Bank of the State of Tennessee, to administer the affairs of said offices of discount and deposit, twelve Directors, citizens of this state, eight of whom shall reside within the counties in which said offices shall be established, five of whom shall constitute a quorum to do business; and said Directors shall choose from among themselves a President, and shall be subject to all such rules and regulations as may be adopted by the Mother Bank, for the government of said offices, not inconsistent with the provisions of this Charter.

Cashiers.

SEC. 15. *Be it enacted,* That there shall be appropriated for each of the aforesaid offices of discount and deposit, by the Board of Directors of the Mother Bank, one Cashier, who shall give such security as may be required by the Directors of said Union Bank.

May issue bills and notes.

SEC. 16. *Be it enacted,* That the said Union Bank may issue bills or notes, payable on demand, at either of said offices of discount and deposit, and also at such Banks of respectable standing in any other state of this Union, as the Board of Directors may deem expedient and proper.

Offices may be abolished.

SEC. 17. *Be it enacted,* That either of said offices of discount and deposit, may be withdrawn by the Mother Bank, when they cease to be profitable or badly managed.

Funds of the State to be deposited therein.

SEC. 18. *Be it enacted,* That the bills or notes of said Corporation, originally made payable, or which shall become payable upon demand, in gold or silver coin, shall be receivable in all payments to the State of Tennessee; and the public moneys of the state, as well as those of any Corporation for public purposes hereafter constituted by authority of the State, shall be constantly deposited in the Union Bank of the State of Tennessee, or either of its offices of discount and deposit, whenever lying inactive, so long as said Bank shall continue to redeem its notes in gold or silver upon presentation, and interest shall be paid on such deposits, at such rate as may be agreed upon by the Bank and the Treasurers of the State.

Statements to be furnished the Legislature.

SEC. 19. *Be it enacted,* That the said Corporation, by the President and Directors, for the time being, on the requisition of the Legislature, shall furnish statements of the amount of capital stock of said Corporation; amount of real estate; the amount of funds upon hand;

and the amount of debts due said Bank; and also the amount of notes, bills or obligations due from said Bank; and the amount of money upon deposit; and the Legislature shall have a right, by joint committee, to examine the books and bills receivable; and also, count the funds upon hand, so as to ascertain that such statement is correct: and shall, moreover, have power to examine all the private accounts of said Bank.

SEC. 20. *Be it enacted*, That it shall be lawful for any one or more of the Directors of said Bank, or of any of the offices of discount and deposit, which shall be established as provided in this act, to examine and inspect the books and accounts of said Bank, and of the offices of discount and deposit of which he or they may be Directors, at any time, whether the Board of Directors to which he or they may respectively belong, be in session or not; and it shall also be lawful for the President or any one or more of the Directors of the principal Bank, to examine and inspect any of the books and accounts of any of the offices of discount and deposit which may be established, at any time, whether said Board of Directors of such office be in session or not.

SEC. 21. *Be it enacted*, That the bills and notes issued by this Bank, payable either at the principal Bank or either of its offices, shall in no case exceed one hundred per cent above the amount of the capital stock paid in.

SEC. 22. *Be it enacted*, That if the Cashier or any other of the officers, agents or servants of said Corporation, shall embezzle, and without authority from the President and Directors of said Bank, appropriate any of the funds of said Corporation to his own use, with intent to cheat and defraud the President, Directors and Company of said Bank, or shall fail to make correct entries, or shall make false entries upon the books of said Bank, with intent to defraud said Bank or any other person whatsoever, said officer, agent or servant of said Bank shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period not less than five nor more than twenty years.

SEC. 23. *Be it enacted*, That whenever the Legislature may be of opinion that the Charter of the Corporation, hereby granted, shall have been violated, and that the same has been forfeited, it may be lawful by joint resolution, to direct a *scire facias* to issue from the Supreme Court of Errors and Appeals, in the name of the State of Tennessee, calling upon said Corporation to show cause why the Charter, hereby granted, shall not be declared forfeited; and service of said *scire facias* upon

Directors may inspect acct's.

Amount of issues.

Penalty for embezzling, &c.

Proceedings upon forfeiture of Charter.

the President or any two of the Directors shall be deemed a sufficient service upon said Corporation, and it shall be lawful for said Court, and they shall have full power, upon the return of the *scire facias*, being made known, to examine into the truth of such alleged violation; and if such violation be made to appear, then to pronounce and adjudge that the said Charter is forfeited and annulled; *provided*, however, that the said *scire facias* shall specify with precision, the nature of the complaint, and grounds upon which the forfeiture is claimed; and every issue of fact which may be found between the State and said Corporation, shall be tried by a jury to be empaneled by said Court for that purpose.

Liability of
Directors and
Stockholders.

SEC. 24. *Be it enacted*, That if at any time it shall be made to appear by *scire facias* or any other judicial proceedings in any of the courts of record in this State, that the said Corporation shall have violated this Charter, by exceeding the amount of issues herein authorized to be made, or by extending or giving to stockholders discounts or other banking accommodations by virtue of their stock, beyond what is extended or given to others, not being stockholders, then, and in either of the above cases, the Directors voting for, or who may have sanctioned such violations of their Charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation, and in case that the property real and personal of such Directors may not be sufficient to compensate for the injuries which may have thus been sustained by noteholders or others, then, and in that case, the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency; *provided*, however, that said individual liability shall not be enforced against either Director or stockholder, so long as said Bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly first obtained against said Bank, and execution shall have been duly returned unsatisfied, and that no property of said Corporation can be found to satisfy the same.

Obligations
of Cashier, &c.

SEC. 25. *Be it enacted*, That the obligation required in the ninth section of this act, to be taken from the Cashier and other officers of said Bank, shall be placed in the hands of the Secretary of State, and shall be good and sufficient in law or equity, to enable said Bank to recover of and from said Cashier or other officer and their securities, all sums of money which may come to their hands in the discharge of their official duties, and for any default, neglect, fraud or failure on the part of said

officers, suits may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud, failure or delinquency on the part of said Cashier or other officer, without regard to the amount of any penalty that may be mentioned in said bonds or obligations.

SEC. 26. *Be it enacted*, That the Branch Bank in the Western District, shall be established and commence business as early as practicable after the time the principal Bank is put in operation, Branch in West. Dist.

SEC. 27. *Be it enacted*, That an act passed the 20th day of December, 1831, entitled an "Act to incorporate the subscribers to the Bank of Tennessee," be, and the same is hereby repealed. Repealing clause.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, Oct. 18, 1832.

Speaker of the Senate.

CLERKS.

CHAPTER III. An act to compel Clerks to do their duty.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the clerks of the several courts in this State, at all times hereafter, to issue to the plaintiff or his attorney of record or agent, if demanded, an execution on any judgment that may have been rendered, or that may hereafter be rendered in their respective courts, in all cases where the plaintiff may be entitled to the same. Issuance of executions.

SEC. 2. *Be it enacted*, That if any clerk of any of the courts of record in this State, shall fail or refuse to issue an execution and deliver the same to the plaintiff or his attorney of record or agent, when required upon any judgment that may have been rendered, or that may be rendered in the court of which he may be clerk, in any case in which the plaintiff shall be entitled to such execution, he shall forfeit and pay the sum of five hundred dollars, to be recovered by an action of debt before any court having cognizance thereof, to the use of the person suing for the same, and shall also be liable to an action on the case, at the suit of the plaintiff for any damages he may have sustained in consequence of such failure or refusal, and shall further be deemed and held guilty of a misdemeanor in office, and be subject to indictment in the circuit court of the county in which he Penalty for refusing to issue execution.

shall reside, and upon conviction shall be removed from office.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

CONGRESSIONAL DISTRICTS.

CHAPTER IV. An act to divide the State of Tennessee into districts, for the election of Representatives to the Congress of the United States.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the counties of Carter, Greene, Washington, Cocke and Jefferson shall compose the first Congressional District. The counties of Sullivan, Hawkins, Grainger, Claiborne and Campbell shall compose the second district. The counties of Anderson, Knox, Sevier, Blount and Monroe shall compose the third district. The counties of Morgan, Roane, M'Minn, Rhea, Hamilton, Bladsoe and Marion shall compose the fourth district. The counties of Fentress, White, Overton, Warren and Franklin shall compose the fifth district.— The counties of Jackson, Smith and Sumner shall compose the sixth district. The counties of Wilson and Davidson shall compose the seventh district. The counties of Rutherford and Williamson shall compose the eighth district. The counties of Bedford and Maury shall compose the ninth district. The counties of Lincoln, Giles, Lawrence, Wayne and Hardin shall compose the tenth district. The counties of Robertson, Montgomery, Stewart, Humphreys, Hickman and Dickson shall compose the eleventh district. The counties of Haywood, Madison, Dyer, Obion, Gibson, Weakley, Henry and Carroll shall compose the twelfth district. And the counties of Perry, Henderson, M'Nairy, Hardeman, Fayette, Shelby and Tipton shall compose the thirteenth district.

SEC. 2. Be it further enacted, That the several sheriffs in the different counties in this State shall on the day next succeeding the second day of election of members to Congress in the several districts, as organized in the first section of this act, make out triplicate certificates under their hands of the number of votes for each candidate—one of which shall be retained by the sheriffs respectively, and the other two certificates shall be by said sheriffs transmitted by different mails immediately.

thereafter, to the Governor, who upon the receipt of the returns thus certified, shall deliver to the candidates having the highest number of votes in their respective districts, a certificate of their election as representatives to the Congress of the United States.

SEC. 3. *And be it enacted*, That if any sheriff shall fail, ^{Penalty for failure.} neglect or refuse for the space of twenty days, to perform any of the duties required of him in this act, such sheriff so failing, refusing or neglecting, shall forfeit the sum of five hundred dollars, to be recovered by action of debt by any person, who may sue for the same—and shall moreover be held and deemed guilty of a misdemeanor in office, and subject to indictment before the circuit court of the county where such delinquency may happen.

F. W. HULING.

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 1, 1832.

Speaker of the Senate.

COSTS.

CHAPTER V. An act to provide for the collection of costs in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That whenever a cause at law or equity shall be brought up, or attempted to be brought up from an inferior to a superior court, and the superior court shall dismiss it, or determine that the cause has never been regularly transferred to said court, or that the court has no jurisdiction thereof, it shall be the duty of the court to render judgment for the costs against the party so attempting to bring the cause into said court.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 15, 1832.

Speaker of the Senate.

COSTS—CRIMINAL.

CHAPTER VI. An act prescribing the mode of taxing costs in criminal prosecutions.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty ^{Mode pointed out.}

of all jailers in this State, to make out a bill of costs in all State prosecutions, where the same is to be paid out of the Treasury, and produce the same in open court, first having the same certified by the Solicitor General, and have the same certified by the clerk as is now prescribed by law, which said bill of costs shall be paid by any Treasurer in this State—and the receipt of the jailer is hereby declared to be a good voucher in the settlement of the accounts of said Treasurer, any law, usage or custom to the contrary notwithstanding.

Duty of clerks
in recording
proceedings.

SEC. 2. *Be it enacted*, That in all cases hereafter, where an appeal or writ of error may be taken from the circuit to the supreme court, where in such case the clerk of the circuit court was directed by law to record the proceedings in a well bound book, it shall be the duty of the clerk of the supreme court, provided the judgment shall be affirmed and finally disposed of, to record the proceedings in a well bound book, kept for that purpose, and all laws requiring the clerks of the circuit court to record the record and proceedings or allowing any fees therefor, in the cases provided for by this act, be repealed, and that the clerks of the supreme court have the same fee now allowed to the clerks of the circuit court for the performance of the same duties in this act mentioned, and no more; provided, that no suit shall be more than once recorded, and then only in the court where the suit is finally determined and disposed of.

Residence of
clerks.

SEC. 3. *Be it enacted*, That an act passed at the present session of the General Assembly, requiring clerks to reside within the counties where their offices are required to be kept, shall not be so construed as to extend to the clerk of the supreme court held at Nashville, nor to the clerk of the chancery court at Franklin.

Sam. G. Smith.

SEC. 4. *Be it enacted*, That the Bank of the State of Tennessee, pay to Samuel G. Smith, seventy-five dollars for extra services in refunding moneys for lands taken by Kentucky under the act of 1825, while acting as Bank Agent for Jackson county.

Certified copy
of bill of
costs.

SEC. 5. *Be it enacted*, That a certified copy of the judgment and bill of costs only shall be required by the Treasurer, for the payment of costs in such cases as the State is bound by law to pay; provided, that all certificates now required shall be required.

Tax fees of
Attorney Gen-
erals.

SEC. 6. *Be it enacted*, That the Attorney Generals in this State shall in all cases of a criminal nature, where by the laws of this State, the punishment is death, be entitled to a tax fee of twenty dollars—in all cases of perjury, fifteen dollars—and in all cases punishable by imprisonment in the Penitentiary, ten dollars; provided, al-

ways, where the defendant is acquitted, the Attorney General shall only be entitled to five dollars as a tax fee in such case.

F. W. HULING,
Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER VII. An act to provide for certifying bills of cost in criminal cases, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any criminal cause shall have been tried, or shall be tried in any circuit court in this State, and where the State by the laws now in force, is or may be liable for costs, it shall be lawful for any circuit Judge presiding in any of the courts in which such criminal cause may have been tried, or which may hereafter be tried, and he is hereby authorized and required, to make the certificate now required by law, to be made upon any bill of costs that shall have accrued in the court in which he may preside. Judges to make certificate.

SEC. 2. *Be it enacted,* That it shall be the duty of the clerks of the respective courts in this State, to reside in the county where the courts of which they are clerks respectively are held, and the non-residence of any such clerk, shall be held and deemed an abandonment of his office, and it shall be the duty of such court to appoint a successor. Residence of clerks.

SEC. 3. *Be it enacted,* That the Hon. James C. Mitchell, one of the circuit Judges of the circuit courts of law and equity in this State, is hereby authorized at any time within six months from the passage of this act, in the exercise of his discretion as to the form and substance of the same, to sign a bill of exceptions, and grant an appeal in the nature of a writ of error, in the case of Norton Pryor and Joseph Anderson's lessee against James Walker, heretofore tried in the circuit court of Rutherford county before said Judge; provided, always, that nothing herein shall operate as a supersedeas of the judgment in said cause, unless the said Judge shall so order, or unless one or more of the Judges of the supreme court of errors and appeals, upon inspection of the record either in court or at their chambers, shall hereafter so order. Special duty of Judge Mitchell.

F. W. HULING,
Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832.

Speaker of the Senate.

CHAPTER VIII. An act to amend and explain the several acts relating to costs in State cases.

Duty of clerks. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when an indictment shall be found against two or more persons for the same offence, it shall be the duty of the clerk of the court in which such indictment shall be found, to include all the defendants therein in the same capias—unless he shall be otherwise specially directed by the Attorney General, and such clerk shall not be entitled to a fee for more than one leading process, except where other process shall be directed by the Attorney General, as herein provided, in which case the clerk shall be entitled to a fee for each process he shall be so directed to issue.

In cases of nolle prosequi.

SEC. 2. *Be it enacted,* That in all prosecutions for offences subjecting the offender to confinement in the Jail and Penitentiary house of this State, in which a *nolle prosequi* shall be entered, or the defendant or defendants in such prosecutions shall be otherwise discharged, the cost of such prosecutions shall be paid by the State in the same manner and under the same provisions as in cases where the defendant or defendants may be acquitted by the verdict of a jury.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

ELECTORS.

CHAPTER IX. An act prescribing the mode of choosing Electors to vote for President and Vice-President of the United States.

Manner of voting—duty of sheriffs.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the qualified voters for members of the General Assembly of this State, shall meet at their respective court houses, and other places appointed by law for holding elections in each and every county, on the first Monday and Tuesday in November next, and vote for fifteen electors of President and Vice President of the United States, as by the constitution and laws of the same, they are entitled to vote for; and that the Sheriff or Coroner, or any other person or persons, authorized by law to hold elections of each and every county in this State, shall, and are hereby required to appoint three Judges for every place of voting in

their respective counties, and a like number of Clerks, all of whom shall be sworn to conduct said election as herein required, and at which election, the same rules and regulations shall be observed by the several Sheriffs, Coroners, Clerks, Judges and others and voters, as are now provided by law in electing members of the General Assembly.

SEC. 2. *Be it enacted*, That the State shall be divided into fifteen districts, as follows: Districts laid off.

The counties of Carter, Washington, Greene and Jefferson, shall compose the first district.

The counties of Sullivan, Hawkins, Grainger and Claiborne, shall compose the second district.

The counties of Cocke, Sevier, Blount and Monroe, shall compose the third district.

The counties of Knox, Anderson, Campbell, Morgan and Roane, shall compose the fourth district.

The counties of M'Minn, Rhea, Bledsoe, Marion and Hamilton, shall compose the fifth district.

The counties of Jackson, White, Overton, Fentress and Warren, shall compose the sixth district.

The counties of Smith and Wilson, shall compose the seventh district.

The counties of Sumner and Davidson, shall compose the eighth district.

The counties of Rutherford and Williamson, shall compose the ninth district.

The counties of Franklin and Bedford, shall compose the tenth district.

The counties of Lincoln, Giles and Lawrence, shall compose the eleventh district.

The counties of Maury, Hickman, Perry and Wayne, shall compose the twelfth district.

The counties of Robertson, Montgomery, Stewart, Dickson and Humphreys, shall compose the thirteenth district.

The counties of Hardeman, Hardin, Henderson, M'Nairy, Madison, Fayette and Shelby, shall compose the fourteenth district.

The counties of Henry, Weakly, Obion, Dyer, Gibson, Carroll, Tipton and Haywood, shall compose the fifteenth district.

That one elector and no more shall reside in each of the above districts, and, that every citizen of the State qualified by law, to vote for members to the General Assembly, shall be entitled to vote for the whole number of electors to be resident as aforesaid; and the fifteen persons aforesaid, receiving the highest number of votes in the whole State, shall be declared the electors. One elector to reside in each district.

SEC. 3. *Be it enacted*, That it shall be the duty of the

Duty of sher-
iff &c.

Sheriff, Coroner or other person or persons, as the case may be, of the respective counties in this State, holding elections, to meet at the court house of the county in which they reside, on the day immediately succeeding said election, and compare the votes polled for electors as aforesaid, and make out a triplicate statement of the number of votes received by each person who may have been voted for as elector of President and Vice President of the United States, and deposit one of said statements regularly certified by the officer holding said election, in the office of the clerk of the county court, taking his receipt therefor, and to deposit one copy in the post office, at the court house of the county where said election may be held, directed to the Governor and Secretary of State, and to direct the other in the same way, by the next mail immediately thereafter, and take receipts of the Post Master for the same; and any Sheriff, Coroner, or other person or persons as the case may be, failing to comply with the provisions of this act, shall forfeit and pay five hundred dollars, to be recovered by action of debt, to any person who may sue for the same, before any tribunal having cognizance thereof.

Governor and
Secretary of
State to furnish
certificate of e-
lection.

SEC. 4. *Be it enacted*, That the Governor and Secretary of State shall receive all the returns made by the officers holding said election, from the post office in Nashville, except from such officers as may choose to make return to the Governor and Secretary in person, immediately thereafter, and the same shall be as valid as if transmitted by mail as aforesaid; and it shall be the duty of the Governor and Secretary as aforesaid, on receiving said returns of the respective officers of the State, holding said election of electors for President and Vice President to compare the same, and upon ascertaining the fifteen persons receiving the highest number of votes in the whole State, resident as aforesaid, to furnish each person with a certificate of his or their election, and cause the same to be published in at least one newspaper published at the following places, to wit, Nashville, Knoxville and the town of Jackson, in the Western District.

Penalties.

SEC. 5. *Be it enacted*, That the several persons who shall be appointed to conduct the election of electors for President and Vice President of the United States, shall be liable to the same penalties and forfeitures, as are provided by law for the regulation of elections in this State.

Electors to give
notice to Gov-
ernor—vacancy
how filled.

SEC. 6. *Be it enacted*, That each elector of President and Vice President of the United States, shall, before the hour of twelve o'clock, on the day next preceding the day fixed by the law of Congress, to elect a President and

Vice President of the United States, give notice to the Governor, that he is at the seat of Government, and ready at the proper time to perform the duties of an elector, and the Governor shall forthwith deliver to the electors present, a certificate of all the names of the electors, and if on examination thereof, it shall be found that one or more of said electors are absent, and shall fail to appear before nine o'clock in the morning of the day of election of President and Vice President, as aforesaid, the electors then present, shall immediately proceed to elect by ballot, in the presence of the Governor, any qualified resident citizen or citizens of the State, as the case may be, to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the electors.

SEC. 7. *Be it enacted*, That the electors so elected, Time of voting. shall meet in the City of Nashville, on the first Wednesday in December, one thousand eight hundred and thirty-two, and vote for President and Vice President of the United States, and make return thereof, agreeably to the laws of the United States, in that case made and provided;—and each elector shall be allowed four dollars for every twenty-five miles he shall necessarily travel in going to, and returning from the seat of Government, and four dollars per day, whilst attending at the same as an elector, for which the Governor may issue his warrant to the Treasurer of West Tennessee.

SEC. 8. *Be it enacted*, That the Sheriffs or Coroners of each and every county in this State, immediately after receiving information of the passage of this act, shall advertise at the court houses, and in each Captain's company of their respective counties, the days on which said election of electors for President and Vice President shall take place. Sheriffs to give notice.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 14, 1832. *Speaker of the Senate.*

EXECUTORS AND ADMINISTRATORS.

CHAPTER X. An Act to amend an act passed December 19, 1831, entitled "an act to amend an act entitled an act for the relief of Executors and Administrators."

Be it enacted by the General Assembly of the State of Tennessee, That the proviso contained in the 1st section of said act, be, and the same is hereby repealed—and

that hereafter in all the cases mentioned in said first section, no execution shall issue until after the expiration of twelve months from the granting of letters testamentary or of administration as the case may be.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 4, 1832.

Speaker of the Senate.

IMPRISONMENT FOR DEBT.

CHAPTER XI. An Act to amend an act entitled "an act to abolish imprisonment for debt except in cases of fraud"—passed December 14, 1831.

Bills of dis-
covery.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever an execution against the property of a defendant, shall have been issued on a judgment at law or a decree in equity, and shall have been returned unsatisfied in whole or in part, the party suing out such execution may file a bill in chancery against such defendant, and any other person or body corporate to compel the discovery of any Bank stock or other kind of stock, or of any property or thing in action due to him or held in trust for him, and to prevent the transfer of any such stock, property, money or thing in action, or the payment or delivery thereof, to the defendant except where such trust has been created by, or the fund so held in trust has proceeded from, some person other than the defendant himself, and is declared by will duly recorded or by deed duly proved and registered.

Powers of the
courts of chan-
cery.

SEC. 2. *Be it enacted,* That the court of chancery shall have power to compel such discovery and to prevent such transfer, payment or delivery, and to decree satisfaction of the sum due on such judgment or decree out of any property, stock, money or things in action belonging to the defendant or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery, whether the same were originally liable to be taken in execution at law or not; and the court shall have power to order such bond or other securities to be given by either plaintiff or defendant, as may be necessary to carry that jurisdiction into complete effect, and to order transfers of stock or other property, or choses in action to be made according to the rules of law or equity.

SEC. 3. *Be it enacted,* That a judgment or execution

at law shall not bind equitable interest in real estate or other property or legal or equitable interests in stock or choses in action, unless a memorandum of said judgment stating the amount and date thereof, with the names of the parties, be registered in the Register's office of the county where the real estate is situated, in cases where real estate is to be subjected, and in all other cases in the county where the debtor resides, within sixty days from the time of the rendition of said judgment, and the lien shall cease unless the bill in equity to enforce said lien is filed within ten days from the time of the return of the execution unsatisfied.

Equitable interests.

SEC. 4. *Be it enacted*, That in all cases where personal service of process cannot be made at law, and where no original attachment at law will lie and no judgment at law can be obtained, and also in cases where the demand is purely of an equitable nature, a court of equity shall have jurisdiction to subject legal and equitable interests in every species of stock and other property, with the exception herein before stated, and also in real estate; provided, that in case of legal demand the amount due shall be ascertained by the verdict of a jury summoned in the same manner as for other trials of issues in fact before a court of chancery—the lien in the cases provided for in this section to commence from the time of filing the bill, if the facts therein stated are verified by affidavit, and an injunction be granted by a judge or chancellor upon the complainant giving bond and security.

Jurisdiction of the courts of equity.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832.

Speaker of the Senate.

CHAPTER XII. An Act to amend the Act of 1831, abolishing imprisonment for Debt.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriffs and other officers of this State, shall be entitled to the same fees for executing a summons, when the same is the leading process in any suit, under the act which this is intended to amend, as such officers were entitled to for serving the leading process, in any suit or suits, prior to the passage of said act.

Sheriffs' fees.

SEC. 2. *Be it enacted*, That nothing in said act contained shall be so construed as to apply to any contracts entered into prior to the first day of March, 1832.

Construction to be given to act of 1831.

Further construction of said act.

SEC. 3. *Be it enacted, That the provisions of the act which this is intended to amend, shall not be construed to change the laws or process heretofore in use, and in force previous to the passage of said act, on account of any debt or demand, due and owing prior to said first day of March, 1832—nor the issuance of a *capias ad satisfaciendum* to render bail liable under said contracts, but in all cases wherein bail may have been taken before the passage of said act, and since, under the provisions of said act, as well as for contracts entered into before the first day of March, 1832, such proceedings may be had as heretofore—and in all cases, wherein by the provisions of said act of 1831, any plaintiff was unable to prosecute his *capias ad satisfaciendum*, and to render bail for appearance liable, the statute of limitations shall not bar, provided such plaintiff prosecute his suit by such *capias* within six months from the passage of this act.*

Extension of the act of 1831.

SEC. 4. *Be it enacted, That the provisions of the act which this is intended to amend, shall extend to all civil actions, whether founded upon contract, or otherwise, without regard to the form of action or the nature of the demand, provided that nothing herein contained shall be construed to extend to any demand or cause of action accruing before the first day of March, 1832.*

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

INTERNAL IMPROVEMENT.

CHAPTER XIII. An Act to amend an Act, passed the 26th day of November, 1831, entitled "An Act to incorporate and establish a Board of Internal Improvement in that part of the State, east of Cumberland Mountain.

Certain contracts made valid.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the contracts recently let out and entered into, to wit: on twentieth day of August last, for the removing obstructions to navigation in the Tennessee river, at the points denominated the Pan, the Pot, the Suck, at a point half a mile above the Suck, and at the Tumbling Shoals, under the direction of the Board of Internal Improvement for East Tennessee, be, and the same are hereby declared to be as effectual and obligatory on the parties to said contracts, both in law and equity, as if said Board had required, and taken personal secu-*

city for the performance of said contracts, as directed and required by the third section of the act which this is intended to amend.

SEC. 2. *Be it enacted*, That in all contracts hereafter entered into for removing the obstructions to navigation in the Tennessee river, under the provisions of the above recited act, the Commissioners of said Board are hereby authorized and directed to stipulate and agree with the undertaker, specially to be set forth in the bond, that an amount, in no case to be less than twenty-five per cent on the estimated value of the contract, shall be retained in the hands of the President of said Board, in lieu of personal security as the work progresses, for the faithful performance of the contract; but no part of said estimated value of the contract shall be paid by said Board, to any undertaker or undertakers, until the work contracted to be done has progressed, agreeably to the stipulation set forth in the bond of such undertaker or undertakers, to at least one fourth of the estimate value over the sum so paid him or them, and on the completion of the contract, the sum or sums so retained in the hands of the President aforesaid, shall be paid over to the undertaker or undertakers, in addition to the sum or sums paid as the work progressed: *Provided*, however, that the undertaker or undertakers shall in all cases be the lowest bidder, as is provided by the act which this is intended to amend, and all moneys drawn for or paid over by said Board, shall be in strict conformity to the directions of the above recited act, except in the cases hereinafter to be provided for; and provided further, that in all cases of failure, or refusal to prosecute the contract to completion, the undertaker or undertakers shall forfeit to the Internal Improvement fund the one fourth so retained in the hands of the President, of the estimated value of the contract, and shall moreover be liable to an action for damages, in the name of the Board of Internal Improvement for East Tennessee.

Manner of
making con-
tracts pointed
out.

SEC. 3. *Be it enacted*, That when the Board of Internal Improvement shall have advertised for contract, any part or parts of the river intended to be improved, as provided in the act this act is intended to amend, and there shall be no bids therefor, or if the lowest bids therefor that shall be made, shall be higher than in the opinion of said Board ought to be accepted, it shall be lawful for said Board to let out by private contract, such part or parts of said rivers offered for contract, as aforesaid; provided that in no case shall said Board let out the same at private contract, unless at a price not exceeding the estimate made for the removal of such obstructions, by the civil engineer who surveyed said rivers

Board may
make private
contracts.

and made said estimates, but where there shall have been no bids, after advertisement as aforesaid, said Board is hereby authorized to make such contracts as in their discretion, they may deem right and proper, provided the prices given shall not exceed the estimate therefor of said engineer.

Or appoint
agents to re-
move obstruc-
tions.

SEC. 4. *Be it enacted*, That the said Board are hereby authorized to make contracts for the work, or to appoint agents to superintend the removal of obstructions, and to procure tools and other materials and provisions necessary to a vigorous execution of said work, or any of the rivers designed to be improved by the act this act is intended to amend, without advertising the same for contract, provided said Board, in their discretion, shall be of opinion that said obstructions are of so small and unimportant a character, as will not be likely to engage competition in bidding for the same, and provided said Board shall be also of opinion that such obstructions can be thus removed by a more economical expenditure of the Internal improvement fund set a part for East Tennessee, and provided that such expenditures shall not exceed the estimate of the engineer.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER XIV. An Act to amend an Act entitled, "An Act to establish Boards of Internal Improvement in the several counties of this state, lying West of Tennessee river, and for other purposes, passed Dec. 1831.

Boards of
Int. Imp. to be
elected.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the county courts of the counties of Henry, Carroll, Gibson, Weakly, Obion and Dyer, at their first, or any subsequent term after the passage of this act, to proceed to elect Boards of Commissioners of Internal Improvement in their respective counties, under the same rules, regulations and restrictions, and possessing the same powers as prescribed by the act which this is intended to amend.

County court
of Perry to e-
lect a Board.

SEC. 2. *Be it enacted*, That it shall be the duty of the county court of Perry county, at their first court after the first day of January in each and every year, if necessary, (a majority of the justices being present) to proceed to elect three suitable persons, resident in said county, who shall constitute a Board of Internal Im-

provement. Commissioners in that part of the county lying east of Tennessee river, and said court shall have power to fill vacancies that may happen in said Boards by death, resignation, removal or otherwise; and that it shall be the duty of the Cashier of the Bank of the State of Tennessee, to pay over to the said Commissioners, the proportion of the sixty thousand dollars appropriated for Internal Improvement in Middle Tennessee, which said county of Perry is entitled to, on the east side of Tennessee river; and the Commissioners thus appointed shall have all the powers, privileges and immunities, (subject, however, to all the rules, regulations and restrictions,) that the Commissioners west of the river in said county are subject to, any law to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER XV. An Act to amend an Act, passed the 17th day of December 1831, entitled "An Act to establish a Board of Internal Improvement in the counties therein mentioned, and for other purposes."

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Governor to subscribe to the Nashville, Murfreesborough and Shelbyville turnpike road, the whole of the interest which is due upon the amount of the Common School fund, to which the counties of Davidson and Rutherford are entitled; after which it shall be the duty of the Cashier of the State Bank to pay over to the Commissioners of said Company, the amount so subscribed, upon application. Duty of Governor.

SEC. 2. *Be it enacted,* That the Commissioners of said Company shall pay semi-annually to the Board of Commissioners for Common Schools in said counties of Davidson and Rutherford; so soon as such Commissioners may be appointed, six per cent. per annum upon the interest so subscribed. Payment of interest.

SEC. 3. *Be it enacted,* That it shall be lawful for the Commissioners of said turnpike road, to erect toll gates so soon as the same shall be graded thirty feet, and gravelled with rock twenty feet wide, six inches thick; and they are authorized to have a toll gate upon any section of five miles, so soon as such section is completed as above. Toll gates.

Proceedings
for damages oc-
casioned by
said road.

SEC. 4. *Be it enacted*, That any person or persons who may conceive themselves injured by the location of said road through their lands, or by the gravel, earth or timber which may be taken therefrom, shall give five days' notice to the superintendent of said section of the road, that they will apply to some justice of the peace, naming the justice, and the time and place they will apply, to have a jury to assess damages; and thereupon the superintendent may procure any other justice of the peace in said county to act with the justice selected by the applicant, and it shall be the duty of said two justices thus selected, if they can agree, and if not, the two are to select a third, who shall summon five freeholders, unconnected with the parties, and who are wholly uninterested; said jury, thus summoned, shall view the ground, gravel, rock, earth or timber, taking into view the benefit of the road to the person or persons applying, and if said jury disagree as to the amount, the decision of the majority shall govern, and thereupon the justice or justices summoning said jury, shall enter a judgment against said Company for the damages thus assessed; and said justices and jury thus appointed, shall constitute a court and shall have exclusive jurisdiction to decide upon controversies between the Company and the owners of land, gravel, earth or timber; provided that either party shall have a right to appeal from such judgment, to the circuit court of the county, within two days after the rendition of the judgment, which shall be prosecuted and tried before a jury as other appeals.

Vacancy in
the Board of
commissioners.

SEC. 5. *Be it enacted*, That in case a vacancy shall happen in the Board of Commissioners, at any time, by death, resignation, refusing to accept, or any other cause, the Commissioners of the Company shall immediately fill such vacancy by electing some other stockholder in his or their places.

None but
stockholders to
be elected Com-
missioners.

SEC. 6. *Be it enacted*, That none but stockholders shall be elected Commissioners of said Company, and in elections for Commissioners of said Company, none but stockholders shall vote, and they may vote either in person or by proxy; the said Board of Commissioners to adopt the form of proxy.

Sale of stock.

SEC. 7. *Be it enacted*, That if any Commissioner shall sell or transfer his stock, he shall *ipso facto* cease to be a Commissioner, and his vacancy shall be filled as directed in the fifth section of this act.

Penalties for
failing to pay
toll.

SEC. 8. *Be it enacted*, That if any person or persons shall pass through any of the gates that may be established on said road, without paying the toll allowed by law, or shall leave the road and pass round any gate into the road, and thereby avoid the payment of the toll, such

person or persons, for every such offence, shall forfeit and pay to the Company, to be recovered by warrant before any justice of the peace as follows, to wit: a wagon and team, five dollars, a four wheeled carriage, five dollars, a two wheeled carriage, five dollars, a man and horse five dollars.

SEC. 9. *Be it enacted*, That all hands who are employed in working upon this turnpike road shall be exempt, ^{Privilege of hands working on the road.} for the time being, from working upon any other road.

SEC. 10. *Be it enacted*, That it shall not be lawful for the President and Board of Commissioners of said road ^{No dividends until completion of road.} to make any dividends of profits to stockholders, until said road be completed and finished.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, October 13, 1832.

Speaker of the Senate.

CHAPTER XVI. An Act to amend an Act entitled, "An Act to establish a Board of Internal Improvement for the Mountain District," passed Dec. 17, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alvin Cullom, William Dale ^{Overton and Jackson counties.} and George W. Sevier, shall constitute a Board of Internal Improvement for the county of Overton; and that Baily Butler and Henry Sadler, shall constitute a Board of Internal Improvement for the county of Jackson, and they shall be governed by the provisions of the act this is intended to amend.

SEC. 2. *Be it enacted*, That the county court of Jackson county is hereby vested with power to make an order, a majority of said court being present, directing the Board of Internal Improvement for said county, to pay over to the School Commissioners for the benefit of Schools in said county, the funds appropriated for the purposes of Internal Improvement, and the receipt of said Commissioners or their treasurer, shall be a good voucher for the same. ^{Internal Imp. fund for Jackson county.}

SEC. 3. *Be it enacted*, That so much of said act as establishes a joint Board for the counties of Overton ^{Repealing clause.} and Jackson as aforesaid is hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER XVII. An Act concerning a part of the Internal Improvement fund of Humphreys county and for other purposes.

Humphreys
county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the said fund as was set apart for said county, west of the Tennessee river, shall hereafter be under the control and subject to be appropriated by the county court of Humphreys county, either by adding the same to the Common School fund in said county, or to purposes of Internal Improvement, as in their discretion they may think proper, a majority of the acting justices of said county being present, and concurring in the disposition of said fund as aforesaid.

Duty of President and Directors of State Bank.

SEC. 2. *Be it enacted,* That the President and Directors of the Bank of the State of Tennessee, shall pay over to the order of said court, either to the Commissioners of Internal Improvement, or to the Treasurer of the Common School Commissioners, as the case may be, of Humphreys county, the amount said county is entitled to by the act of 1831, chap. 54, sec. 8, so soon as said Board or Treasurer aforesaid, has executed a bond to the Chairman of the county court, as by law in such case provided, in the sum of two thousand dollars upon the production of the certificate of the clerk of the order of said court, and also, that the bond, by this act required, is filed in his office, with good security, approved by the court.

Stewart county.

SEC. 3. *Be it enacted,* That the President and Directors aforesaid, pay over to the Clerk and Treasurer of the Board of Common School Commissioners in Stewart county, that portion of the sixty thousand dollars appropriated for Internal Improvement in Middle Tennessee, to which Stewart county may be entitled by apportionment agreeable to the free white population in said county, compared with the whole number of free white inhabitants in Middle Tennessee, for the use of Common Schools in said county.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed October 22, 1832. *Speaker of the Senate.*

IRON.

CHAPTER XVIII. An Act to encourage the manufacture of Iron in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Rogal Ferguson, Geo. R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, may jointly enter and lay down on the general plan of the eighth Surveyor's district in the counties of Hardin or Wayne, in not exceeding two different tracts, any quantity of vacant and unappropriated land unfit for cultivation, including any bank or banks of iron ore; and the said Rogal Ferguson, George R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, shall and may enjoy the same rights and privileges which are secured to other occupants of the Western District, subject, nevertheless, to the same rules, regulations and restrictions, which govern south and west of the Congressional reservation line; provided, however, that they shall only be entitled to the benefits and privileges of this act, on condition that they shall, within the period of two years from the first day of January next, erect and put into operation in one or both of said counties, works for the manufacture of iron; and should they fail to do so, then, and in that case, any entry or entries made under the provisions of this act, shall be null and void to all intents and purposes, as though they never had been made. Privileges granted.

SEC. 2. *Be it enacted*, That the Surveyor of the district in which the lands may be so entered by virtue of the provisions of the first section of this act, shall receive the entry or entries of said Rogal Ferguson, Geo. R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, and survey the same, and upon the plat and certificate of said Surveyor so made out, it shall be the duty of the Register of the district in which the land lies, upon satisfactory proof being made to him, that valuable works for the manufacture of iron have been erected, and are in full and complete operation on said land, to issue a grant or grants for the tract or tracts of land, on which said iron works may be situated, provided said entry or entries be founded on a good and valid warrant or warrants. Duty of Surveyor.

SEC. 3. *Be it enacted*, That Madison C. Napier and Epps Jackson be, and they are entitled to enter and jointly lay down, in the eighth Surveyor's district in Hickman county, south and west of the Congressional reservation line, in not more than five different tracts, five thousand acres, under all the other provisions and restrictions. Further privileges conferred.

tions of the first and second sections of this act; and that William B. Ross and William Dickinson shall have the privilege of entering jointly, not exceeding five thousand acres, in the counties of Wayne, Perry and Hardin, in the seventh, eighth or ninth Surveyor's district, under the same provisions and restrictions which are secured to said Rogal Ferguson, George R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, as provided in the first and second sections of this act.

Extension of
the privilege

SEC. 4. *Be it enacted*, That Augustine W. Bumpass and Douglass H. Stockton be, and they are hereby entitled to enter and jointly lay down, on the general plan of the eighth Surveyor's district, in not more than five different tracts, five thousand acres of land lying in Lawrence county, under all the other provisions and restrictions of the first and second sections of this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 28, 1832. *Speaker of the Senate.*

JUDICIARY.

CHAPTER XIX. An Act to alter the times of holding the several District Chancery Courts therein named,

Times of
holding chan-
cery courts.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the chancery courts in the eastern division of the State of Tennessee, be holden as follows; to wit: the district chancery court at Rogersville, on the first Mondays of May and November; the district chancery court at Greeneville, on the second Mondays of May and November, and shall continue in session two weeks, should the business on the docket of said court so require; the district chancery court at Madisonville, on the fourth Mondays of May and November; the district chancery court at Kingston, on the second Mondays of June and December; the district chancery court at Monroe, in the county of Overton, on the third Mondays of June and December; the district chancery court at M'Minnville, on the fourth Mondays of June and December, and shall continue in session two weeks or more, should the business on the docket of said court so require; the district chancery court at Carthage, on the third Mondays of January and July, and shall continue in session two weeks, should the business of said court so require; and the district chancery court at Knoxville, on the third Mondays of April and October.

SEC. 2. *Be it enacted,* That all writs and other pro-^{Return of writs.}cess which have been issued, or which may be issued, before notice of this act, and made returnable to any of the courts, the times of holding which have been altered by this act, shall be returned to the respective courts to which the same may be returnable at the several times respectively, as provided in this act, and the same shall be as good and effectual, and shall be proceeded on in the same manner, as if made returnable on the face thereof, as herein pointed out.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, September 11, 1832. Speaker of the Senate.

CHAPTER XX. An Act to change the time of holding the courts of the third Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the* ^{County courts.} *State of Tennessee,* That the following courts shall hereafter be held at the following times, to wit: the county courts for the county of Fentress shall be held on the fourth Mondays of January, April, July and October; the county courts for the county of Overton, on the 5th Mondays of January, April, July and October, where a 5th Monday occurs, and where such an event does not occur, the said courts shall be held on the first Mondays of February, May, August and November;—and the county courts of the county of Jackson, on the 2nd Mondays of February, May, August and November.

SEC. 2. *Be it enacted,* That the circuit courts for the ^{Circuit courts.} county of Fentress, shall hereafter be held on the 3rd Mondays of February and August; the circuit courts for the county of Overton, on the 5th Mondays of February and August, where a fifth Monday occurs, and where such an event does not occur, the said courts shall be held on the first Mondays of March and September; the circuit courts for the county of Jackson, on the 3rd Mondays of March and September; and the circuit courts for the county of White, on the 3rd Mondays of May and November.

SEC. 3. *Be it enacted,* That the chancery court at ^{Chancery court at Monroe.} Monroe in the county of Overton, shall hereafter be held on the third Mondays in June and December; and the said courts herein enumerated shall be continued in session, by the Judges or Justices who may hold the same, until all the business therein shall be disposed of, or until another court of the same kind shall interfere.

Duty of certain clerks.

SEC. 4. *Be it enacted*, That it is hereby expressly made the duty of the clerks of the county courts of White, Fentress, Overton and Jackson on the first day of January next, to advertise at the court house door of their respective counties, the several times of holding the courts as prescribed by this act.

Return of process.

SEC. 5. *Be it enacted*, That all process, recognizances and proceedings whatsoever, shall be as good, valid and legal to all intents and purposes, returnable to said courts, as though returned to the courts at the times formerly authorized by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER XXI. An Act changing the time of holding the supreme court at Jackson.

Supreme court at Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the supreme court now authorized to be held at Jackson on the second Monday in May, shall hereafter be held on the first Monday in February, annually.

Return of process.

SEC. 2. *Be it enacted*, That all process, writs &c. returnable to said court on the second Monday in May, be, and they are hereby made returnable to the first Monday in February aforesaid.

County courts of Dyer and Gibson.

SEC. 3. *Be it enacted*, That the county courts of Gibson county shall hereafter be held on the third Monday in March, June, September and December; and that the county courts of Dyer county shall hereafter be held on the fourth Monday in March, June, September and December—and

Return of process.

Be it further enacted, That all process or writs returnable at the December terms of Gibson and Dyer counties as heretofore held, shall be returnable, as provided by this act.

Appeals from Smith county.

SEC. 4. *Be it enacted*, That all appeals from any court of Smith county to the supreme court shall be taken to the court held at Nashville.

Chancery court at Carthage and Charlotte.

SEC. 5. *Be it enacted*, That the chancery court at Carthage shall sit on the 2nd Mondays in July and January; and at Charlotte on the third Mondays in May and November.

County courts of Wayne.

SEC. 6. *Be it enacted*, That the county courts of Wayne county shall hereafter be held on the first Monday in March, June, September and December, and that all

process or writs returnable at the next December term of Wayne county court as heretofore held, be returnable on the first Monday in December as provided in this act.

SEC. 7. *Be it enacted*, That the ^{Supreme court} supreme court at Sparta shall be held on the third Monday in October in each year, and all process, records and proceedings shall be returned and filed accordingly, without prejudice to the parties; that said court shall continue until all causes in said court shall be disposed of.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER XXII. An Act giving the circuit court jurisdiction of Misdemeanors.

Be it enacted by the General Assembly of the State of Tennessee, That where any person shall hereafter be indicted for an assault with intent to kill, or commit any other felony, it shall be lawful, in case the jury cannot find such person *guilty* as charged, of the intent to commit such felony, to find him guilty of such assault or assault and battery, as the case may be, and judgment shall be pronounced by the court as upon an indictment for such inferior offence.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER XXIII. An Act authorizing the circuit courts to take jurisdiction of issues "devisavit vel non."

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when an issue *devisavit vel non*, ^{Authority given.} to try the validity of any last will and testament, may have heretofore or hereafter may be made up, in any of the county courts of this State, it shall and may be lawful for the parties, at the term at which the said issue may be made up, or any other session of the court to transfer the same by agreement to the circuit court for trial—and that the circuit courts shall and may take jurisdiction of all such issues, transferred to said courts for trial, and hear and determine the same, subject to

the right of appeal to the supreme court as in other cases.

SEC. 2. *And be it further enacted,* That upon the final determination of any such issue in the circuit or supreme court, it shall be the duty of the clerk of either court to certify the same to the county court of the county in which the cause may have originated.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

JUSTICES OF THE PEACE.

CHAPTER XXIV. An Act to amend an act entitled "an act further to define and extend the jurisdiction of Justices of the Peace."

Be it enacted by the General Assembly of the State of Tennessee, That the third section of the before recited act, passed December 1831, chapter fifty-nine, be and the same is hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

KENTUCKY LINE.

CHAPTER XXV. An Act to amend an act entitled "an act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines"—passed the 4th November 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where the Bank agency has been discontinued by law, or the order of said Bank, it shall be the duty of the President and Directors to appoint some competent agent to perform the duties required by this act, and the act which this is intended to amend in all claims hereafter preferred to the Bank or Bank agent.

Duty of President and Directors of State Bank.

Oath to be taken.

SEC. 2. *Be it enacted,* That before any order shall issue to take the valuation of any improvement as provided in the second section of the before recited act, the persons making such application shall make oath in wri-

ting before some Justice of the Peace, which oath shall be filed and accompany the probate of valuation, that the land upon which such improvement is made, has been entered under the authority of Kentucky, without his consent or request, and that he or she has surrendered the same accordingly, and that he, she or they has not sold or in any manner whatever received compensation for said improvement.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

LAND.

CHAPTER XXVI. An Act to amend an act entitled an act giving further time for surveying entries and obtaining grants thereon.

Be it enacted by the General Assembly of the State of Tennessee, That the third section of said act shall not extend or be construed to render any Surveyor liable to its penalties unless the fees of office and other lawful fees shall be paid or tendered by the person wishing such survey.

F. W. HULING.

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 4, 1832.

Speaker of the Senate.

CHAPTER XXVII. An Act prescribing the duty of Surveyors in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That where by the change of any county line, land entered in one county is thrown into another before it is surveyed, it shall be the duty of the Surveyor of the county in which the land was entered, to survey the same, and return plats and certificates as required by law, upon which grants shall issue as in other cases; for which he shall receive the same compensation, and be under the same rules, regulations and restrictions as are prescribed by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832.

Speaker of the Senate.

LAND WARRANTS.

CHAPTER XXVIII. An act referring certain land claims for adjudication.

Robert L.
Cobbs.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Secretary of State as land commissioner, to issue to Robert L. Cobbs a certificate warrant for ten acres and another for 6½ acres, on his being satisfied that the land called for by grant No. 25379 and 25378 has been lost by due course of law, and that said grants issued on warrants of the above sizes, and that they were good and valid warrants.

Isaiah Cotes.

SEC. 2. *Be it enacted*, That the Register of West Tennessee shall issue to Isaiah Cotes a grant for three hundred and fifty acres of land, in conformity with an entry made by the said Cotes, in the office of the eighth Surveyor's district, on the 5th March 1823, by entry No. 1066; founded on Register of West Tennessee warrant No. 3669, for 350 acres, upon its being made satisfactorily to appear to said Register that the said warrant is genuine and that the same is mislaid, lost or stolen.

Duty of Registers

SEC. 3. *Be it enacted*, That it shall be the duty of the different Registers north and east of the Congressional reservation line on application, to issue to the person or persons entitled to the same, a certificate or certificates for his or their respective interests in any warrant or certificate remaining unsatisfied and ungranted in said offices until it shall appear from their books, that the whole of the original warrants or certificates are satisfied by grants or certificates or by both, and said Registers shall endorse upon the face of the original warrants or certificates, satisfied, and sign their names officially thereto.

Evidence on
which to issue
certificates.

SEC. 4. *And be it enacted*, That the certificate of the persons having the custody of the books of the several Surveyors' offices north and east of the Congressional reservation line setting forth, that it appears from the books and records in their offices that any person or persons have an interest in any warrant or certificate vested in him or them by assignment or otherwise, shall be sufficient evidence of right thereto, to authorize the Register to issue to such person or persons applying for the same, a certificate or certificates for the unsatisfied balance on any original warrant or certificate so certified; provided, the same be ungranted or unsatisfied in said Register's office, provided the original warrant or certificate be in said Register's office.

SEC. 5. *Be it enacted*, That any original warrant or

certificate now remaining in the Registers' offices, or the Surveyors' offices north and east of the Congressional reservation line, ungranted and unsatisfied where the same belong to any one individual, it shall be delivered by said Registers to the person in whom the interest thereof is vested, and should the warrant or certificate belong to more than one person, it shall be the duty of said Register to issue to each individual owning an interest therein, a certificate for the quantity to which they shall be respectively entitled, under the rules and regulations prescribed in this act.

Register to deliver unsatisfied warrants.

SEC. 6. *Be it enacted*, That all certificates issued by the Registers or commissioner as provided in this act, shall be filed with and adjudicated by the commissioner, and if the same is good and valid, may be entered on any vacant and unappropriated land south and west of the Congressional reservation line as in other cases.

issuance and adjudication of certificates.

SEC. 7. *Be it enacted*, That the Surveyor of the 12th district, be permitted at the request of the owner of the warrant, to make void an entry No. 1113, made in the name of the heirs of David M'Dowell for six hundred and forty acres of land in said Surveyor's district, range 6, section 9, and founded on warrant No. 5052—the same having been upon an occupant claim that had been settled before the passage of the occupant law of 1819, and that the owners of said warrant be authorized to locate the same upon any vacant and unappropriated land south and west of the Congressional reservation line; provided, they do not interfere with any occupant; and provided, further, that no warrant shall issue for more than the quantity of land interfered with by said occupant.

Entry No. 1113 to be made void

SEC. 8. *Be it enacted*, That grant No. 315, to James Miller by the State of North Carolina for 640 acres of land in the county of Knox be referred to the Secretary of State as commissioner of land claims for adjudication, and if it shall satisfactorily appear to said commissioner, that said grant issued upon a good and valid warrant, and that the whole or any part thereof, has been taken by older and better title, it shall be the duty of said commissioner to issue to the person entitled to the same, a certificate for so much of said grant as shall be taken by older and better title as aforesaid, which shall be located south and west of the Congressional reservation line as in other cases.

Grant No. 315 referred.

SEC. 9. *Be it further enacted*, That the Surveyor of the 9th district, be permitted at the request of the owner of the warrant to make void entry No. 1964 in said 9th district, range 3, and section 11, entered in the name of John Antery, for one hundred and fifteen acres of land,

Entry No 1964.

founded upon part of warrant No. 2817 for six hundred and forty acres, which said 115 acres was entered on an occupant, and said John Antery be authorized to locate and enter the same upon any vacant and unappropriated land south and west of the Congressional reservation line, or upon any occupant claimed by said Antery; provided he does not interfere with the rights of any other person.

SEC. 10. *Be it enacted*, That the Register of West Tennessee be required to issue a grant to Reuben Burnett, upon entry No. 3338 in the first district founded on certificate warrant No. 44 for 70 acres, being the balance of the warrant unappropriated.

Register of the
Hiwassee Dis-
trict to issue a
certain grant.

SEC. 11. *Be it enacted*, That the Register of the Hiwassee District is hereby authorized and required to issue to the heirs of James Torbett dec'd. a grant to the north west quarter of section twenty-seven in fractional township number three, east of the meridian in the Hiwassee District; that this act shall be his warrant for so doing; provided, the purchase money on said quarter section of land has been paid or shall be paid on or before the first day of January 1834 under the rules, regulations and restrictions, prescribed by an act entitled "an act providing for the entry of the forfeited lands in the Hiwassee District"—passed the first day of December 1831.

Grants Nos.
407 and 366.

SEC. 12. *Be it further enacted*, That the Secretary of State as commissioner of land claims shall issue to the heirs of John W. Hambleton a certificate warrant for one hundred and sixty acres part of grant No. 407, and also a certificate warrant for six hundred and forty acres on grant No. 366; provided said grants are founded on good and valid warrants.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

LAND WARRANTS AND OCCUPANTS.

CHAPTER XXIX. An Act for the relief of the occupants South and West of the Congressional Reservation Line, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Secretary of State, as Commissioner of land claims, to receive and file for adjudication, until the first day of September 1833, all claims for interference, original military John Armstrong warrants, not heretofore adjudicated.

ted; all claims north of the Kentucky line; all claims lying south of Walker's and north of Matthews' line, located since the first day of March 1820; all claims for grants lying south of French Broad and Holston, founded on good and valid warrants, as provided for by the land law of 1829; all Registers' and Commissioners' certificates, not heretofore adjudicated; all balances which may appear to be due on original warrants, not heretofore appropriated; all claims for deficiency of boundary, where the original survey has been made under the authority of this state; all claims for lost lands lying north and east and south and west of the Congressional reservation line, which cannot be identified, and which were entered previous to the passage of the occupant law of 1819; provided, the applicant in the last mentioned case makes the necessary proof as required by the sixteenth section of the land law of 1807, chap. 2, in second volume of Cobbs' and Haywood's Revisal, and that notice shall be given by the applicant, by publication for four successive weeks in some newspaper printed in Nashville, previous to the time of making such application; provided, nothing in this act contained shall be construed to authorize the holder of any warrant which may issue under this act, any right to have the same located on any vacant land, except that which lies south and west of the Congressional reservation line.

SEC. 2. *Be it enacted*, That said applicant shall be bound to pay the same fees, and in the same manner, as is prescribed in the act of the twenty-second October 1811, and that the Commissioner shall not deliver any warrant or warrants, unless it be to the proper owner or owners, or his, her or their agent or agents, or some person who may have an interest in the same; and that the Secretary of State, as Commissioner, shall be governed by the same rules, regulations and restrictions in the adjudication of claims, as are prescribed in the act of 1825, and the acts therein referred to.

Fees for adjudication.

SEC. 3. *Be it enacted*, That in case it shall appear to the Commissioner of land claims, that an entry has been made in the office of John Armstrong, and the consideration money of said entry paid, in case a warrant has been issued on said entry, and said warrant has by any means been lost, or so mislaid that the same cannot be found, it shall and may be lawful for the Secretary of State, as Commissioner, to issue a duplicate warrant to said person making said entry; or his representative or assignee, or the person rightfully entitled to the same, which said warrant shall be signed by said Commissioner, and be recorded in his record book, with other warrants issued from said office and adjudged valid; provided,

Duty of the Commissioner.

that in each case, evidence shall be adduced to show, that no grant ever issued on said entry, or on a warrant from said entry.

Grants to issue on copies of warrants in certain cases.

SEC. 4. *Be it enacted*, That in all cases where surveys have been made on genuine warrants, plats and certificates made out, and with the warrants sent to and filed in the Secretary's office of North Carolina, for the purpose of obtaining grants thereon, and where no grants have issued, and where the Secretary will not deliver the warrant to the owner, it shall and may be lawful for such person or persons, to procure certified copies of said warrants from said Secretary's office, and produce said copies so certified, to said Commissioner, whose duty it shall be to examine the same, in the same manner, and by the same rules and regulations, prescribed for adjudicating the validity of original warrants, (if produced) and if said Commissioner is satisfied that said warrant is in the Secretary's office of North Carolina, and that the same is good and valid, and that no grant ever issued thereon, or any duplicate thereof, then said Commissioner may determine, that said copy is a valid claim against the State, and shall file the said copy in his office, and issue a duplicate in the same manner, as if the original warrant had been filed.

Owners of warrants may obtain grants.

SEC. 5. *Be it enacted*, That from and after the first day of January 1833, the owner or owners of any good and valid warrant or warrants, or certificates, as well as those which may be issued under the present act, as those issued under former acts and not heretofore satisfied, he, she or they may enter and obtain grants therefor, for such quantity of land as such warrant or certificate may call for; provided the same shall be entered on vacant and unappropriated land, under all the provisions of the occupant law of 1829; and provided also, that in making said entry, said warrant holder does not interfere with the claim or claims of any occupant, or occupants hereby and heretofore provided for, and any entry made upon an occupant without his, her or their consent in writing, the same is hereby declared null and void to all intents and purposes.

Right of occupancy extended.

SEC. 6. *Be it enacted*, That the right of occupancy is hereby extended to each and every bona fide occupant resident, who may have settled on any vacant and unappropriated land, south and west of the Congressional, reservation line, north of Winchester's line, since the passage of the occupant law in 1831, up to the passage of this act, under all the regulations and restrictions that govern occupants south and west of said line; and it shall and may be lawful for the occupants hereby and heretofore provided for, to make their entries jointly or

severally, on a warrant of any size; provided, that the whole of said warrants, so intended to be divided for the benefit of said occupants, shall be appropriated in the same Surveyor's district by occupants.

SEC. 7. *Be it enacted*, That from the first day of January 1833, until the first day of January 1835, the privilege is hereby secured to the occupants residing south and west of the Congressional reservation line, or their assignees, to enter their occupancies by virtue of any good and valid warrant or warrants, and to obtain a grant for said occupant claim or claims, which have been extended to them by this and former acts. Further time allowed to occupants.

SEC. 8. *Be it enacted*, That when any occupant claim or claims are of less quantity than two hundred acres, as laid down on the general plan, he, she or they, owning the same, shall have the right of increasing the same to that amount; provided, he, she or they, do not interfere with any other occupant claim or claims; and the owner, by entry, grant or deed, of a less quantity of land than two hundred acres, shall have the right of increasing the same to that amount; provided, he, she or they, do not interfere with any other occupant claim or claims; and in making such entries shall be governed by the provisions of the act of 1829, for the relief of occupants; and all persons who may have a reservation or occupancy for the purpose of building mills, or the promotion of public or manufacturing improvements, shall be entitled to all the benefits of this act. Quantity of land occupants may enter.

SEC. 9. *Be it enacted*, That the several Surveyors offices south and west of the Congressional reservation line, shall be open for the reception of entries, and the laying down on their general plan, the surveys on the same, from and after the first day of January next, and that from and after the first day of January 1835, the several offices south and west of said line, shall be forever closed, and all persons failing to present their claims and make their entries thereon, on or before the said first day of January 1835, shall be forever thereafter barred. Surveyors of fices to close in 1835.

SEC. 10. *Be it enacted*, That the different Surveyors south and west of said line, shall be governed in their duties by all the provisions in the act of 1829, not inconsistent with this act. Duty of Surveyors.

SEC. 11. *Be it enacted*, That nothing herein contained, shall be so construed as to authorize the settlement of any occupant claim south of Winchester's line, and any person making said settlement, the same shall be void to all intents and purposes. No settlement south of Winchester's line.

SEC. 12. *Be it enacted*, That no warrant or certificate shall be allowed to be entered south of Winchester's there. No warrants to be entered there.

line, until the section lines of the different Surveyors districts, have been, by law, extended to the true 35th degree of north latitude, nor until, by authority of the Legislature, they are permitted to do so; and should any person or persons, contrary to law, make said entry or entries, the same shall be null and void to all intents and purposes, as though the same had never been made.

Transfer of
entries.

SEC. 13. *Be it enacted*, That hereafter it may be lawful for any enterer to transfer his entry by assignment, and the assignee may obtain a grant in his own name, and have power to survey the same, and do all things which the original enterer could do.

Act of 1829.

SEC. 14. *Be it enacted*, That the seventh section of an act of 1829, chap. 22, be, and the same is hereby revised.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

LOTTERIES.

CHAPTER XXX. An Act to repeal the laws allowing Lotteries to be drawn in this State.

Repealing
clause.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January 1833, all laws heretofore passed in this state, authorizing the drawing of any lottery, the sale of tickets in any lottery, for any purpose whatever; be, and the same shall stand repealed; and any person or persons presuming to sell tickets and carry on a lottery, by virtue of any lottery charter, heretofore passed, after the said first day of January 1834, shall be liable to all the pains, liabilities and penalties that he or they would have been under, had no such charter or law been passed.

Penalties for
vending foreign
tickets.

SEC. 2. *Be it enacted*, by the authority aforesaid, that any person or persons, or body politic, selling or vending any lottery ticket or tickets, not authorized by the laws of this state, or of the United States, and which is prohibited, by the act of 1829, chap. 73, shall, (in addition to the penalties prescribed by said act,) upon conviction, be imprisoned in the jail of the county in which said offender or offenders are convicted, for a term not less than three nor more than six months; and upon conviction for a second offence, shall be confined in the jail and penitentiary house of this State, for a term not less than six, nor more than twelve months.

LUNATIC HOSPITAL.

SEC. 3. *Be it enacted*, That it shall be the duty of the different attorneys general and circuit judges of this State, to give the act of 1829, chap. 73, and the foregoing section of this act, in charge to the different grand juries of the State. To be gi
in charge
Grand Jurie

SEC. 4. *Be it enacted*, That it shall be the duty of the different grand juries of this State, when they are informed, or know of any person or persons offending against the provisions of said act, to issue subpoena or subpoenas, for any person or persons, whom they may believe can give them any information, or evidence against said person or persons; and said person or persons so subpoenaed, shall be compelled to give evidence in like manner that persons are compelled to give evidence in cases of common gaming; provided, that nothing herein contained shall be construed to extend to an act authorizing a tottery to extend Union Street in the town of Nashville, passed 1831, or to any others passed by this state, the scheme of which has been bona fide sold before the passage of this act. Dut
Grand Jurie

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

LUNATIC HOSPITAL.

CHAPTER XXXI. An Act to establish a Lunatic Hospital in this State.

Whereas, the great and increasing number of lunatics in this State, has made it necessary, to the safety and well being of society, as well as for the comfort and security of those unfortunate beings, whom Providence has visited with the most severe of all earthly afflictions, that a suitable hospital should be erected in this State, therefore:

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a lunatic hospital shall be and is hereby established in this State, to be located in the county of Davidson, and within or near the town of Nashville; and that Francis Porterfield, Joseph Woods, Henry R. W. Hill, James Roane, Felix Robertson and Samuel Hogg, be appointed Commissioners, to purchase a suitable site or piece of ground for the purpose, having reference to healthiness of situation, convenience to water and other advantages. Commissi
ers appointe

Site and edifice.

SEC. 2. *Be it enacted,* That said Commissioners, as soon as convenient, after the passage of this act, proceed to make said purchase, and cause to be erected, suitable and convenient buildings of stone or brick, or both, sufficient for the care and safe keeping of at least two hundred persons, having due regard to their comfort as well as safe keeping, and constructing the same on the most approved and advantageous plan.

Appropriation.

SEC. 3. *Be it enacted,* That the sum of ten thousand dollars be appropriated out of the funds composing the Bank of the State, not otherwise appropriated, to be paid from time to time on the order of said Commissioners, or a majority of them; but said Commissioners shall only give said order at such times, and on such conditions, as will ensure the speedy and faithful execution of the work.

Commissioners to report.

SEC. 4. *Be it enacted,* That said Commissioners shall make report to the next General Assembly, of all their proceedings in the premises, in order that all necessary regulations may be prescribed by law, as to the admission and management of lunatics and the general government of said institution.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

MERCHANTS.

CHAPTER XXXII. An Act explanatory of an Act, passed Dec. 14, 1831, entitled, "An act to equalize the tax on wholesale and retail Merchants, Jewelers, Grocers and Auctioneers."

Construction of said act.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the provisions of said act shall not be so construed, as to extend to the articles of salt and iron, but the same shall be sold and vended free of taxation.

Further construction of the act.

SEC. 2. *Be it enacted,* That the provisions of said act shall not be so construed as to repeal the fourteenth section of the nineteenth chapter of an act of the General Assembly, passed in the year one thousand eight hundred and twenty-one, which authorizes the farmers residing in this state, to exchange produce by them taken to market, either in or out of this State, for groceries, not exceeding in amount five hundred dollars for one whole year, without obtaining license therefor.

SEC. 3. *Be it enacted,* That the provisions of the act

referred to, in the first section of this act, shall not be so construed as to allow persons obtaining license under its provisions, (by the payment of one hundred dollars,) to sell goods at more than one place. Construction of said act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 16, 1832. *Speaker of the Senate.*

OFFICERS OF COURT.

CHAPTER XXXIII. An Act explanatory of the law of 1829, prohibiting certain officers of courts, from trading in county claims.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee;* That so much of the law of 1829, ch. 28, and section 1, prohibiting certain officers of the court from trading in county claims, shall not be so construed as to make any person liable to the penalties thereof, who may receive those claims at their nominal value, any law to the contrary notwithstanding. Construction of the act.

SEC. 2. *Be it enacted,* That said act of 1829, ch. 28, sec. 1, shall extend to state as well as county claims. Extension of the act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 14, 1832. *Speaker of the Senate.*

ORDINANCES.

CHAPTER XXXIV. An Act to amend and explain an Act entitled, "An Act to tax the retailers of spirituous liquors, and appropriate the moneys arising therefrom, to the use of Common Schools," passed 15th Dec. 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee;* That no public house-keeper, or other person whatever, shall hereafter retail spirituous liquors in less quantities than one quart, unless he shall first obtain a license for that purpose, as provided in the act which this act is intended to amend. License to be obtained.

SEC. 2. *Be it enacted,* That it shall not be lawful for any clerk in this State, to issue a license to any person applying for the same, unless such person shall first take and subscribe the following oath or affirmation: "I, A. B. Oath required.

do solemnly swear, (or affirm, as the case may be,) that I will not, under the license I am about to obtain, retail any spirituous liquors, to any slave, nor permit the same to be done, unless by the permit of the master or overseer of the slave in writing, so help me God"—which oath or affirmation so taken and subscribed, the clerk shall file in his office.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 15, 1832

Speaker of the Senate.

POOR.

CHAPTER XXXV. An Act to amend and explain an Act entitled, "An Act more amply to provide for the poor," passed Nov. 15, 1827.

Whereas, different opinions prevail in regard to the construction of said act, by means of which, much litigation seems likely to arise, for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That said act shall hereafter be construed, so as to include hogs that have been fattened for pork and not killed, as well as those that have been actually slaughtered and converted into the same; provided, that three hundred weight only of such fat hogs, shall be exempt from execution.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 16, 1832.

Speaker of the Senate.

REAL ESTATE.

CHAPTER XXXVI. An Act to explain and amend an act entitled "an act to prevent a sacrifice of real estate, and for other purposes"—passed 28th July 1820.

Whereas doubts have arisen and continue to exist whether the provisions of the act which this act is intended to amend, extend to the redemption of lands or real estate sold in the execution of decrees in chancery—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the*

State of Tennessee, That the act which this act is intended to amend, shall hereafter be deemed and held to extend to the redemption of lands in all cases in which lands may have been sold, or may be sold under any decree, judgment or order of any court of chancery in this State. Construction of the act.

SEC. 2. *Be it enacted*, That any real estate sold by virtue of any order, judgment or decree in chancery upon foreclosure of mortgages, or deeds of trust, or any other decree or order of any of the courts in this State, shall be redeemable in the same time and manner, and by the same persons and under the same rules and regulations as are provided, authorized and directed by the provisions of the act, this act is intended to amend, in relation to the redemption of real estate sold under execution. Redemption of real estate.

SEC. 3. *Be it enacted*, That all lands granted by the State of North Carolina, or by this State, situated in the Lakes on the Mississippi river, and at all times inundated, be and the same are hereby forever released from the payment of the State and county taxes—any law to the contrary notwithstanding. Inundated land exempt from taxation.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed October 19, 1832. *Speaker of the Senate.*

REGISTRATION.

CHAPTER XXXVII. An Act to amend an act passed December the 20th 1831 entitled "an act to amend the registration laws of this State, and for other purposes."

Be it enacted by the General Assembly of the State of Tennessee, That the above recited act shall be in force and take effect from and after the first day of March next.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed October 22, 1832. *Speaker of the Senate.*

SCHOOLS.

CHAPTER XXXVIII. An act to provide for the collection of the school tax.

SEC. 1. *Be it enacted by the General Assembly of the*

H

Sheriffs to give bond. *State of Tennessee.* That the sheriffs of the respective counties in this State, before entering upon the collection of the taxes, shall give bond with two or more securities which the county court shall approve of in double the amount of the school tax to be collected in said county, payable to the chairman of the Board of school commissioners thereof, for the time being, and his successors in office, conditioned for the collection and payment to the Treasurer of said Board.

Funds to be paid over.

SEC. 2. *Be it enacted,* That it shall be the duty of the collector of the public taxes to pay over to the Treasurer of the Board of school commissioners on the first day of January in each and every year, all the school tax by him collected for the preceding year, or for which he is accountable, and upon failure of any such collector, it is hereby made the duty of the Treasurer of the Board of school commissioners, to proceed against him by motion, in the name of the chairman of such Board, which proceedings shall be governed by the same rules and regulations prescribed for the collection of the county taxes.

Collector to procure receipts.

SEC. 3. *Be it enacted,* That no collector shall be eligible to the office of sheriff until he first procure the receipts for the school tax by him collected and paid over.

Disposition of the school tax.

SEC. 4. *Be it enacted,* That the school tax paid to the Board of common school commissioners, shall constitute a part of the school fund and used in like manner, and that all laws authorizing it to be paid to the Bank of the State are hereby repealed.

Duty of the Treasurer of the Board.

SEC. 5. *Be it enacted,* That it shall be and is hereby made the duty of the Treasurer of the Board of school commissioners, in the respective counties, to call upon the clerks of the county courts for information, and if upon examination it should appear that any school tax heretofore collected or due, has not been legally paid over, then it shall be the duty of such Treasurer to proceed to collect the same, under the laws heretofore in force upon that subject, and when collected to receive and receipt for the same.

Duty of the sheriff.

SEC. 6. *Be it enacted,* That when it shall so happen that no Board of common school commissioners shall have been organized in any county, it shall be the duty of the sheriff to pay over the tax by them collected for the benefit of common schools as heretofore provided for by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER XXXIX. An act prescribing the manner in which the school funds north and east of the Congressional reservation line shall be collected.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be, and hereby is made ^{Duty of the} the duty of the several Attorneys General of this State <sup>Attorneys Gen-
eral.</sup> in their respective districts, to commence suit and prosecute to final issue either in law or equity against each and every county Surveyor or Entry Taker and their securities, who have heretofore, or may hereafter fail to pay over the common school funds by them respectively collected according to the laws now in force and use on that subject.

SEC. 2. *Be it enacted,* That it is hereby made the duty of the several Surveyors and Entry Takers aforesaid to exhibit their books to the Attorneys General at such <sup>Duty of Sur-
veyors and En-
try Takers.</sup> times as they may think proper to make the call, and such books when so delivered shall be read as evidence in any court in which suits as aforesaid may be brought; and when it shall so happen that the regularly appointed Attorney General may be absent, then it shall be the duty of the court in which such cause or causes may be commenced or pending to enjoin upon, and make it the duty of the Attorney acting as Solicitor, under a temporary appointment from said court to attend to and prosecute the same; and bonds given in or out of court or informally given shall be entitled to have a recovery.

SEC. 3. *Be it enacted,* That the sheriff or other officers <sup>Moneys to be
paid over.</sup> who have or may have collected or received from those who have or may collect any moneys due to the common school commissioners shall be liable to suit as provided for by this act, if they have or may fail to pay over such moneys to the common school commissioners in their respective counties; and it shall be the duty of the sheriff or other collectors of the taxes or moneys due to said county common school commissioners, to furnish on the first day of January in every year, a list of moneys due to the Board of common school commissioners in each county, and pay over the same at said time.

SEC. 4. *Be it enacted,* That the Attorney General <sup>Tax Fee of At-
torney General.</sup> shall be entitled to a tax fee to be taxed against the defendant in case of conviction or recovery under the provisions of this act, twenty-five dollars as a tax fee; provided, the State or county shall not be liable to pay said fee in any event.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

SCHOOLS COMMON.**CHAPTER XL. An act to amend the common school laws of this State.**

Election of Commissioners **SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all elections of county common school commissioners as provided for in the second section of the act of 1831, chapter 16, where less than a majority of chairmen of the trustees of the school districts attended, shall be as good and valid, as if a majority of said chairmen had been present and voted in said elections.

To be held annually. **SEC. 2.** *Be it enacted,* That elections shall be held annually for trustees in the several school districts in this State, as directed in the second section of an act passed January 14th 1830, but trustees once elected shall hold their appointment until other trustees are elected in their stead.

Duty of Justices. **SEC. 3.** *Be it enacted,* That whenever any Justice of the Peace, in whose hands has been placed a list of heads of families or householders, shall be about to remove or resign, it shall be his duty, to hand over said list to some other Justice of the Peace residing in or convenient to the school districts.

New districts. **SEC. 4.** *Be it enacted,* That whenever an entire new school district shall be made by the trustees, or a majority of the trustees of any two adjoining districts, as provided for in the first section of the act of 1831, chapter sixteen, it shall be the duty of the trustees making such new district to furnish a list of the householders or heads of families residing in said new district to some Justice of the Peace residing therein, and in case there shall be no resident Justice of the Peace, then to the next nearest Justice, whose duty it shall be to hold an election for trustees in said new district as is now prescribed by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER XLI. An Act authorizing the Trustees of school land to establish additional school districts.

Authority given. **SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That each Board of Trustees of school land in M'Minn and Monroe county, shall be, and they are hereby authorized, where they may think it ne-

cessary, to establish not exceeding two school districts in addition to the number heretofore established by law, subject to the same rules and regulations prescribed for the government of schools therein.

SEC. 2. *Be it enacted*, That there shall be laid off and established a common school district of four miles square, to be known and designated the Spartan school district, including the school house known by that name on Spring Creek where the line dividing the counties of Henry and Weakley crosses said creek, as near in the centre as practicable. Spartan school district.

SEC. 3. *Be it enacted*, That Trustees for said district shall be chosen in the same manner, exercise the same powers, enjoy the same privileges and be governed by the same rules and regulations as other trustees are. Election of Trustees.

SEC. 4. *Be it enacted*, That the Trustees of the different school tracts of land in the county of Bedford be authorized to erect such number of school houses in their respective townships as they may think expedient and proper, provided, that not more than four be erected in any one township. School houses in Bedford county.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed September 28, 1832. *Speaker of the Senate.*

SCHOOL LANDS.

CHAPTER XLII. An Act in relation to suits for the recovery of school lands.

Be it enacted by the General Assembly of the State of Tennessee, That wherever any suit has been or shall hereafter be brought for the recovery of school lands in this State at the instance of one set of commissioners and the same shall not be determined until such commissioners shall go out of office and other commissioners appointed, it shall be the duty of the court on the application of the commissioners then in office, to permit them to be made plaintiffs or the lessors of the plaintiff in the room and stead of the former commissioners; on such persons so being made plaintiffs or lessors of the plaintiffs giving security for costs; and such former commissioners and their securities shall thereupon be released from all liability for costs and all power or authority over such suit.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed October 9, 1832. *Speaker of the Senate.*

RESOLUTIONS.

NUMBER I.

A Resolution in relation to the communication of Mitchell King, Esq. on behalf of the Union party of South Carolina.

The communication is made by Mitchell King, as a Delegate from the *Union and State Rights party* of South Carolina, soliciting the Legislature of Tennessee to co-operate with several other States of the Union, in sending representatives to what they call "*a Southern Convention.*" Under ordinary circumstances, they believe that no legislative action should be predicated on the application of any self-constituted body on party of men, unknown to, and unrecognized by the existing laws of a sister State. But the intrinsic importance of the *subject matter* of the communication, confirmed, as it is, by the public history of the politics of that state, has induced this Committee to waive the unofficial character of Mr. King, and respectfully to all parties concerned, make known their opinions on the important subject of his communication.

The Committee cannot disguise to their own hearts, and will not attempt to disguise to the General Assembly, that in their opinion, a crisis has arrived which threatens a dissolution of the Union, more difficult and dangerous, than any that has occurred since the adoption of the Federal Constitution.

In the history of our country heretofore, all struggles for political power, all conflicts of factions, and all contests for principle, have passed away, without impairing the confidence and faith of the people in their institutions, or lessening in any degree, that devoted attachment to the Union and our common country, which has so eminently distinguished the citizens of the *American Republic.* Your Committee have observed with pain and mortification, that this has not been the result of the contest about the *Tariff of eighteen hundred and twenty-eight.* Since the passage of that act, a growing spirit of discontent, deepening into a loss of confidence in the capacity of our institutions to protect the interest of the minority, and of disaffection to the Union, has manifested itself particularly in the South, and in some, though in a very small degree, in the south west. This disaffection has shown itself chiefly in the new and dan-

gerous doctrine of *Nullification*, by which South Carolina claims the right, whilst remaining a member of the Confederacy, to render void and of no effect, within its limits, the Tariff laws of the General Government.

Your Committee believe, that under the Constitution, no such right exists, and that if it did, the existing laws on that subject furnish no sufficient occasion for exercising it—more especially, since the recent legislation of Congress, and the known wishes of the present administration, still further to reduce the amount of duties to the ordinary expenditures of the government, as soon as it is practicable to do so. Whilst we thus distinctly declare our dissent from this dangerous doctrine, we cannot refrain from expressing our liveliest sympathies for the sufferings of South Carolina, and our earnest hope that she will calmly review its tendencies, and that she will do nothing (at all events, at the present,) calculated to endanger the integrity of the Union.

As to the proposition of the Union and State Rights party, for the call of a Southern Convention, your Committee are of opinion, that a Convention of all the States, is the only one known to the Constitution as authorized to be called by the legislatures of the different States, and they believe no sufficient case for extra constitutional action, has yet occurred. Conventions, though emanating from the people, if not provided for by the Constitution, as they confer power without imposing responsibility, ought not to be frequently or lightly convoked. Yet your Committee admit, that should a convention of the States aggrieved by the protective system, be convoked, Tennessee can hardly remain an uninterested or careless spectator. Her position, her feelings, and the pursuits of her population, all constitute her essentially, one of the Southern States, and nothing materially affecting them, can fail to be more or less injurious to her. Hence she will always feel that her destinies are embarked in the same vessel with theirs, and that the storms and tempests that wreck them will most probably destroy her. It is this very identity of interest which should induce us to act in concert in calling a convention of the States agreeably to the Constitution, and admonish each member and partner in suffering, not to venture singly and alone upon a contest, which must ultimately result in the discomfiture of all.

Whilst we thus decline recommending to the legislature, to appoint delegates to the proposed Convention, we do not mean to commit our constituents from sending them, on the further development of events, if they should think proper to do so, on a call of such a Convention by the other Southern States. We have no authority so to commit them. Nor do we wish to be regarded as insensible to the pure and patriotic motives of the Union party, in making this application to this General Assembly. Differing only as to the means, we most heartily concur with them in the end and purpose of this mission—the preservation of our heretofore happy and glorious Union.

Your Committee entertaining these opinions, recommend the adoption of the following resolution:

Resolved by the General Assembly of the State of Tennessee, That whilst they duly appreciate the patriotic motives of the Union and State Rights party of South Carolina, and in common with them, deprecate the doctrine of nullification now inculcated by the dominant party of that State—yet they do not believe it to be proper, and therefore decline the appointment of delegates, by this Legislature to attend said proposed Convention.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Adopted October 22, 1832.

NUMBER II.

Resolution approving the Veto on the Bill re-chartering the Bank of the United States.

Whereas, according to usage, long sanctioned and approved by the people, it has become customary on the part of the Legislatures of the several States composing the Union of the United States, from time to time, in the form of resolutions, to express to their constituents, and to the world, their approval or disapprobation of the measures and policy pursued by the General Government, for the time being, and especially of the administration of the executive department thereof; and whereas this General Assembly, in these times of party strife and excitement, feeling it to be a paramount duty which Tennessee, in the present momentous posture of public affairs, as a sovereign member of the confederacy of the States of the Union, owes to herself, to stand forth and cordially and openly avow to her patriotic sister states, and to the people of the United States her undisguised views and opinions of the public measures and policy of the present national administration; and whereas, this General Assembly most anxiously and ardently desires to see the happy union of the States, peaceably preserved from danger of disruption for all time to come, if possible, and to see the Constitution preserved from every violation and encroachment, and at the same time feeling the most unlimited confidence in the patriotism and talents of the President of the United States, and most cordially approving of the acts, policy and measures which he has heretofore pursued in relation both to foreign and domestic affairs; and whereas, this General Assembly is fully impressed with the belief, that as great a share of public good and private happiness will ultimately accrue to the United States, and to the people at large, from the constitutional rejection by the President of the bill lately passed by Congress, to re-charter the Bank of the United States, as has ever resulted from any act or measure of any branch of the Federal Government, since the Declaration of Independence. Being impressed with these views, it is therefore,

Resolved by the General Assembly of the State of Tennessee, That this General Assembly, does cordially approve of the measures of policy heretofore recommended and pursued by the present administration of the General Government of the United States.

Resolved, That this General Assembly does most cordially approve of the veto of the bill lately passed by Congress, to re-charter the Bank of the United States, and that this General Assembly will sustain the President in the views which he has taken of the same, in every manner, and by every honorable means which may properly pertain to the constitutional scope of its legislative action.

Resolved, That the Governor be respectfully requested to furnish and transmit to the President of the United States, a copy of the foregoing preamble and resolutions.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Adopted 25th September, 1832.

Speaker of the Senate.

NUMBER III.

Resolution in relation to the dividing line between the States of North Carolina and Tennessee.

Whereas, by an act of the General Assembly, passed on the fourth day of November 1805, Commissioners were appointed to settle and designate the true line between the States of Tennessee and North Carolina, from the top of the Bald Mountain, to the Painted Rock, on French Broad river, thence along the highest ridge of said mountain, to the top of the Iron Mountain, which is, now called the Great Rich Mountain; And whereas, it is believed that in running the said line from the top of the Bald Mountain so as to strike the top of the Iron Mountain, a mistake was committed in running by the way of the Painted Rock, below the Warm Springs, by reason of which Tennessee has been deprived of a portion of territory, to which she is justly and mightfully entitled: Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorized and requested, to open a correspondence with the Governor of North Carolina, upon the propriety of appointing Commissioners on the part of each State, to run and mark said line, according to the true intent and meaning of the compact aforesaid.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Adopted September 21, 1832.

Speaker of the Senate.

NUMBER IV.

Resolution directory to the Keeper of the Penitentiary.

Resolved by the General Assembly of the State of Tennessee, That the Keeper of the Penitentiary be directed to have repaired any of the public arms of this State, should they, in the opinion of the Governor, require repairing.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Adopted October 16, 1832.

I have carefully examined the foregoing Public Acts and Resolutions, and find them to be true copies of the originals now on file in my office. SAM. G. SMITH,
November 7, 1832. *Secretary of State.*

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